DISCOVRSES OF VVARRE, AND SINGLE COMBAT.

Translated out of French by
J. Eliot.

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A Discourse of VVarre.

Chapter 1.

Whether it bee lawfull for a Christian Prince, or Magistrate to make warre.

ALl men are not of opinion, that the Christian Prince, or ciuill Magistrate may warre with a safe conscience against the enemyes of his estate, or of the Church. But I hold the contrary, and I proue it by fiue reasons.

The first reason is, because God hath so expressly commaunded. And I
the Lord spake vnto Moyses, saying: Auenge the children of Israell vppon the Madianites, and afterward thou shalt bee brought againe to thy people; then spake Moyses vnto the people saying: arme some of you vnto the warre, and set vpon Madian, and auenge the quarrel of the Lord vppon him. You shall send to the warre a thousand of euery Tribe, out of euery Tribe of Israell, &c. Num. 31.1

The second reason is, because God himselfe hath at sundry times counselled, and taught his seruantes, how they ought to gouerne themselues in warre. Deut. 20.1. & 23.14. 2 Chr. 20.16. II

The third reason is, because God himselfe in holy writ is called the God of Hostes: and the Lord God of battels. Likewise, that iust warres are called the battels of God. III. Exod. 15.3. 2. Chr. 20. 16.

The fourth reason is, because many Kinges and Princes IIII.

are highly commended in holy writt, for that they had warred
Gen.14. valiantly against their enemies. Abraham with a little band
14. of men warred against foure tirannous kinges, whom he discomfited, and so by that meanes recouered his cousin Lot, and all his wiues, seruantes, goods and cattels, that they had taken from him in pillage, thanking God the giuer of so great a victory.

Moyses and Iosua haue so hotly pursued the warres, and
Nom 31.1. in so good earnest, that without any comparison in courage
Ios. 1. 2. 3. and valoure there haue neuer bin found any able to ouermatch
&c. them.

Ionathan sonne of King Saul was a mighty and valiant
1 Sam.14.1. Captaine, and a man fearing God, as signably he shewed by the great ouerthrow he gaue to the Philistines.

Ios 7. Gedeon hath bin a man not of the least renowne for martiall affaires.

But amongst the most famous warriers that euer were,
2 Sa. 5.20. Dauid hath bin one of the most excellent and most remar-
& 8.5, &c. queable: he subdued in warre the Philistines, the Sirians, and many other nations and peoples.

V. The fift reason is, because Iesus Christ and his Disciples haue allowed the warre. Marcion affirmed that in the newe Allyance, that is to say, in the Gospell, all warres are prohibited, and that it is not lawful for any Christian to wage warre,
Mat.26.52 because our Sauiour Christ said vnto S. Peter: Put vp thy sword into thy sheath: for whosoeuer shall smite with the sword, shall perish with the sword. But I answere, that this saying of our Sauiour is to be vnderstood of particular reuenge, as by and by wee will declare more at large. For as touching the rest that Iesus and his Disciples, haue at no time prohibited lawfull and iust warres, it appeareth by these
Luk.7.8. places of holy Scriptures. The Centurion sayd vnto Iesus Christ: I am a man set vnder the power of another man, and I haue vnder me Soldiers, and I say vnto one goe, and he goeth: and to another come, and hee commeth. To whom Christ answered not, that he should forsake and leaue quite all warfaring: but commending him, hee sayd to the multitude

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that followed him; I say vnto you, I haue not found so great fayth not in Israell.

The Souldiers demaunded Iohn Baptist, saying: and we, what shall we doe? Iohn said not vnto them: lay down your armes, forsake this warfaring, for it displeaseth God: but hée told them plainly what they should do. Hurt no man, nether trouble any man wrongfully, and be content with your wages. Luk. 3.14.

Saint Peter baptised Cornelius the Centurion of the band of Italians, who was the first fruites of the Gentils: and neuer exhorted him to leaue his charge. Act. 10.

The Apostle to the Hebr. praiseth those captaines and guides of warre, who by faith haue encountered with forces of forraine kingdomes, and haue behaued themselues valiantly in fight repulsing strangers encroching on their territoryes. Heb. 11. 33.

The fixt reason is grounded on the law of armes, and the lawfull vse of the sword: for the Prince beareth not the sword in vaine, saith S. Paul, because he is the seruant of God, for the safegard of the good, and the punishment of the wicked. VI. Rom. 13.4.

Now if it be lawfull for a prince to punish a small number of offenders, by a small number of his seruants and officers: why shall it not be lawfull for him, to punish a multitude by a greater number, when necessity shall vrge him thereunto?

It is then apparant by these sixe reasons, which I haue alledged, that it is lawfull for christian Princes and Magistrates to wage warre when necessity shall require. And that which the Anabaptistes reply to the contrary, is most friuolous and of no force. Say they, it is written in the law of God, Thou shalt not kill: and in the Gospell. Resist not euill. And so likewise Christ said to saint Peter. Put vp thy sword into thy sheath: for whosoeuer shall smite with the sworde, shall perish with the sword. I answere by these wordes of our Sauiour, priuate reuenge is forbidden, and not publike reuenge, which is executed by the magistrat, according to law, by the commaundement of God. For sithens priuate men haue not receaued the sword from God, if they take it in hand, to vse it, and strike, hauing no authority from their superiour, they Exo. 20. Mat. 5. 39. Mat. 26. 52.

L.1.C. de Seditiosis. are *ipso facto* seditious persons, for so saith the Law, albeit the cause seeme iust. But when the Prince deliuereth ouer the sword, which God hath giuen into his hand to dispose, it is an other thing. For if he cause the offender to die, be it vppon a gibbet by sentence of a Iudge, be it in warres, it is not he, to speake properly, who doth this execution, but it is God himselfe who doth it, by the sword which he hath committed into his hande, as vnto his Lieuetenant, and that according to law and right. Prouided neuertheless, that the prince or magistrate execute iustice, as becommeth the seruant of God, without any priuate grudge or pretence of reuenge. For so he himselfe should also be a murtherer, and should transgresse the commaundement of God. Now let vs proceede to declare the causes of warre.

Chapter 2.

Of the causes that may moue a christian Prince or Magistrate to make warre.

SEe first that thou haue perfect knowledge of that which thou doest enterprise (said Bias one of the 7. sages) and then put thy selfe in practise to effect it. And indeed a man ought not to vndertake any action vnlesse good and lawfull occasions moue him thereunto: otherwise God breatheth out his anger vpon the action, and giueth it his malediction. If then christian princes or magistrates will vndertake warre vpon some hope conceiued of good successe, the causes thereof must be set downe before hand to be iust and lawfull. The causes then are two
1. Cause. that may moue vnto warre. One, that respecteth the goods of this world, and the naturall life of man: and this is of two sortes.

First when it commeth to the point of repulsing the violence and iniury of tyrants that giue the onset: for if it cannot be denied

denyed, but by the law of God and man it is tollerable for innocency to defend it selfe by some means when it is iniuried & outraged, and that nature hath not in vaine grafted in the hartes of all liuing creatures a desire to preserue and maintaine their liues and goods: who will then deny that it is lawfull for a Prince to take armes and to goe to the field to defend his estate, and to kepe his subiects from the fury of the inuaders? Moyses giueth a very good example hereof, fighting against ỹ Cananeans, and against Ogg the king of Basan, who had assailed the Israelites. Cic. 1. Off. Nom. 21. 1. 21. & 33.

King Iosaphat giueth vs also an example, giuing battell against the Ammonites and the Moabites, who were issued out to set vpon him. 2. Chr. 20. 1.

Dauid left vs also a notable example, repulsing the Syrians which warred on him. And his owne sonne Absalom, who was vp in armes against him with his men of warre, by the aduise and counsaile of Achitophel. 2. Sam. 10. 18. 2. Sam. 30. 1

But best worthy to be marked is this: Dauid hearing and knowing that the Amalechites had burned Siceleg, and taken his wiues that were there prisoners away with them, asked counsaile of the Lord, if he should pursue the army of the Amalechites: And the Lord answered him that he should, and he toke foure hundred men with him, and so pursued his enemies, till at the last he vanquished and discomfited them, and recouered all that they had carryed away before. 1. Sam. 30. 1

Secondly, when it commeth to the pinch of relieuing those that are allyed and haue concluded some league of amity with vs being wrongfully oppressed: For Christian Princes may conclude allyance with their next neighbour Nations, so that nothing bee done against the honor of God. Some one will say, that the bounes and iurisdictions are distinct, and that it is against all right to inuade one another.

I answere that indeed it is ill done to incroch one vppon another, when inuasion is pretended to each others territories (and as did the Arbitratour of whom Cicero maketh mention) to appropriat to himselfe that, which is yet in controuersie. But here the case standeth otherwise, when it commeth to the Off. 1.

push, to inuade and encroch vppon others, to defend the right of those that are alliaunced and confederate vnto vs.

Ios.10.1. So it was that Iosuah hauing concluded a peace, and beyng alliaunced with the Gabaonits, gaue them aid against the fiue Kings, which warred vpon them, in so much that hee raised the siege from before Gabaon, and discomfited the fiue Kings.

1 Sam.11.1. So it was that Saul relieued the towne of Iabes assieged by Naas the Ammonite, a most cruell and tyrannous Prince: in so much, that Saul carried along thether by the spirit of God, caused the people to bee raised, and put to flight all the Ammonites.

Gen.14.14 So it was that Abraham, the father of the faithfull, caused three hundred and eighteene of his owne seruantes borne in his owne house, to be armed and set in order to fight, to aid his nephew Lott, and to take him by force out of the handes of his ennemies, who had taken him prisoner, and carried him and all his substance away with them.

2. cause. The second cause why christian Princes may warre, concerneth Religion: for they deceiue themselues, that say no warre may be waged for the maintenance of Christian Religion. True it is, that the Church doth not vse to bee too forward and ouerhasty in taking armes: but so it is, that it may iustly bee defended and preserued by the meanes of armes. Then it followeth, that princes and christian magistrates may wage warre. First against Apostatates, that fall from the faith.

Deut 13. There is an expresse commaundement giuen from God, touching this, that what towne soeuer shall reuolt from him and from his seruice, shalbe assailed by warre, and if it continue rebell and obstinate, then to be razed. But in the third chapter wee will throughly discusse this point, and shew how far Christian Princes and magistrates may constraine their heretical subiectes by lawfull warre.

Secondly, christian Princes may war for the defence of the Church, when a Prince being ennemie of God, and an Idolater would offer violence & oppresse it, to the end to establish

a fained religion, and to suppresse the truth. For God hath giuen it them in charge, and made a couenant with them, entoyning them to maintaine it, and to haue great care thereof, and not onely of some particular members: but of all the whole and entier bodie thereof. For it is but one called by the name of Catholike or vniuersall: as also in old time there was in Jerusalem, but one temple, a figure and tipe of the same Church.

When christian kinges are consecrated they promise and sweare solemnly, faithfully to protect this Church, and to employ the temporall sword which is there giuen them for the safegard and defence thereof. And for the same effect hauing the same sword in their handes, they turne themselues to the foure corners of the world: towardes the East, the West, the North and South, there vowing solemnly to performe the sayd promis. By which ceremonie they vse to signify, that they take there into their protection and safegard the vniuersal Church, for as much as in them lyeth to do, against all those that would vndertake to assaile and oppresse the same. This is to be vnderstood of the true Church, *nonobstant* the abuse vsed vnder the popish empire.

Also all Kinges and christian Princes are, or ought to bee members of this Church. Therefore they haue this interest therein, so that they are bound in conscience to preserue it safe and in good estate, and to keepe it from all danger. The Pilote that is on the sea in his ship, ought to stand in feare of shipwracke, because he is in ieopardy as well as the rest. The gouernour of a Citty ought to feare the surprising of the same, because he is in as great danger as the rest of the citizens. So christian Kinges and Princes, and all Magistrates honoured for the true knowledge of God, ought greatly to feare the ruine of the Church of God, for if it be ruined, with it they must nedes be ruined also.

But especially they ought to vphold it, because they are the tutors and gardians thereof: because they are the seruantes of God: because the two tables of the law haue bin delinered into their handes, because that to them belongeth the care, not

Isa. 49.23. Rom. 13.4 Deut. 17. 19. 1. Tim. 24.

onely of the honest demeanour thereof, but also of the zeale & godlines, as saith the holy scripture.

Agg 1. When ỳ prophet Aggeus exhorteth the Iewes, after their comming backe from Babilon, to reedify the Temple of God, hé addresseth not himselfe onely to the people and to their priestes, but also vnto Zorobabeil the chiefe ruler of Juda: which sheweth euidently that not onely priuate men and ministers ought to do, as much as lyeth in them, for the edifying and preseruing of the Church, but also all christian princes & magistrates whatsoeuer. The priuate men for their part ought to take héde, that they be true members of this church. The ministers, that they exhort both priuate men and magistrates truely and sincerely to do their duty. The magistrates, that they endeuour to helpe and stay the ruine and corruption of the church, and to make it safe from all iniurie, both within and without: not in establishing of lawes contrary to the law of God: but in making euery one to receaue the law of God, and maintaining it boldly against all the errours of false prophets, and against the violence of infidell and tyrannous princes.

Nehe. 4. At the building of the Temple by the ordinance of the Elders, and by their conduct, one part of the people carried mortar, and the other part carried weapons, and some in one hande carried trewels, and in the other hand they carryed a sword, to the end if their enuemies came to disturbe them at their worke, they might be prouided for them, to chase them away.

Ios. 22, 10. The ten tribes vnder the conduct of Iosua ouerthrew the Rubenites with their companions, of the tribes of Gad, and Manasses, because they had erected an altar against the word of God.

1 Mac. 1 83 & 3. 1. Judas Machabæus fought against the armie of Antiochus, who would offer violence, and throw downe the religion of the Iewes (which then was the true religion) and compell them to receiue the religion of the Pagans.

Eus. l. 9. c. 8 de histor Eccles. Eusébius reciteth an history of the Armenians, who being compelled by the emperour Maximinus to change the

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forme of christian religion into idolatrie, became of his friends his mortal enemies: of a people before in league of amity with him, his capitall aduersaries: so that to defend themselues with strong hand against his wicked ordinances, they both warred sore vppon him, charged him hardly, and pursued him in fight very nere.

The same Eusebius writeth, that Constantine the great, and Licinius (brethren in law) and copartners in the Empire; Licinius commaunding in the East, and Constantine in the West, neither of them having any authority ouer the other: at the length Licinius raised a great persecution against the Christians in his dominion, disturbing the exercice of their religion, banishing them out of all partes, putting many of them to death, with many kindes of barbarous cruelty, til Constantine set vppon him, and made open warre vppon him so long, till at the last he was forced to moderate himselfe, and to accord vnto christians the free exercice of their religion. Which thing Licinius hauing confirmed by solemne promise, after a short space returned to barbarousnes againe, and as before (against his faith and promise) did begin to persecute christians fiercely. Wherefore Constantine set vppon him againe, pursued him, toke him, and caused him to be slaine by his owne soldiers in the towne of Thessalonica. And it is a thing to be noted, since that time all Diuines do so highly commend that act of Constantine that they say in him is verified the promise contained in Esay: That Kinges shalbe thy noursing fathers, and Queenes shall be thy noursing mothers: speaking of the Church. Liu. 10.c.8 Isa. 49.23.

Wee reade the fame of that worthy enterprise, that the French with the greatest part of the people of Europe, to the number of three hundred thousand footmen, and one hundred thousand horsemen, vnder the charge and conduct of Godfryd of Boullon, duke of Lorraine, made against the miscreants and infidels, to recouer Ierusalem and the holy land.

When may christian princes make warre for the safegard of the true religion: and indeed (as we haue said) they are established of God for the same purpose: and they are most expressly

commaunded to kisse the Sonne, lest he be angry in signe of homage, acknowledging him for their true King, and for their soueraigne Lord. Psal. 2. 12.

If God haue strictly commaunded princes and people that he hath elected to arme themselues for to keepe possession of the land of Canaan, which was a figure of the church, and of euerlasting life: who may deny that princes at this day may not with a safe conscience arme themselues, and their people, to keepe their possession and inheritance of the Church, and of life euerlasting, against all tirantes that haue leagued themselues to put them out thereof?

If piety (as the Pagans hold) commaund both princes and their subiects, to expose their goods and liues for the safegarde and preseruation of their kingdomes, seignories, and countries: how much the more ought wee christians to thinke, that the same piety both commaund and bind vs to do the same for the defence of the Church, which is the kingdome of God, and the true countrie of all good faithfull christians.

If the life and goods do but serue onely vnto piety, why should not one do that for piety, that one would do for life and goods.

It is said, that the church ought not to be defended by arms: But wherefore then should it be assailed with armes? Is there any greater tyranny, then that which is exercised against the soule? And is there then any warre so lawfull and iust, as that which christian princes wage, to represse so great a tyranny?

The Pope he will haue his Crusado, and his knightes of Malta, and of other places, to maintaine his faith and his Romish church against the Turkes. Why then would hee condemne the same power in other christian princes, to defend by armes their true religion against the inuasions of all tyrannous and infidell princes.

Alphonsus king of Aragon, a christian prince, had this piety deuise in all his armes and standerds: *Pro lege, & pro grege*; that is to say, For the law, and for the people. Which was very proper to signify, that he perceaued himselfe called of God, not onely to defend his countrie, but also to preserue the

church, the true faith, and religion.

Now is it sufficiently proued, at warres for matters of religion are not contradictory to the vocation of christian princes and magistrates: Let vs procéde, and examine what a christian prince ought to do, when it falleth out, that hee must néedes chastice and punish his heretical subiects, either by war or els otherwise, according to the default committed.

Chapter III.

That a Prince may chastice by warre, or otherwise, his heretical subiects, but with some moderation: and yet not before he haue conuinced them to be heretiques by the word of God.

HEre knowledge and conscience are necessarily to bee had. The christian prince ought indéd to driue away all heretikes from among his subiectes, if there be found amõgst them any such: and hee ought to chastice and punish them, either by warre, or elle by some other forme of iustice, lawfull and approued. For in this errour were the Manichees, & the Donatistes, that no man ought to be troubled or molested for his religion, much lesse punished: but that euery one might liue frely after his owne fantasie. S. Augustine himselfe was sometime of this opiniõ, but afterwards retracted his errour, approuing that christian princes might punish heretikes: as appeareth in the epistle that he wrot to Bonifacius.

This law is made in the booke of Exodus: That whosoeuer maketh sacrifice to strange Gods, but onely vnto the soueraigne Lord, should be slaine. In Leuiticus commaundement is giuen: that the blasphemer should be stoned and put to death. In the booke of Numbers it is said, Ex. 22. 20. Leuit. 24. 14. & 16.

Nom.15.34 that whosoeuer shall violate the Sabaoth, shall die the death.

Deut.18.20 And in Deuteronomy: That the Prophet which shall presume to speake a word in the name of God, which he hath not commaunded him to speake, or that speaketh in the name of strange Gods, the same Prophet shall dye.

Now by whom should these executions of Gods iustice bee done, but by the prince or magistrate? We heare before that God commaunded, that the citty that should reuolt from him and from his true religion should bee set vppon by warre, and if it be obstinate and rebellious, that it should bee razed.

Deut.13.

1 Tim.1.19. That which some alledge, that S. Paul was content onely to excommunicate Hymeneus and Alexander, who had made

Tit.3.10. shipwracke of their fayth: and that he commaunded Titus to excommunicate after the like manner all heretikes, after the first and second admonition, maketh nothing against the execution of the christian prince or magistrate. For saint Paul doth not shew there, how the prince ought to behaue himselfe in such a case, but sheweth what the parfour of the church his duty is in lyke matter. No man doubteth, but the incestuous person ought to bee punished by the Magistrate: albeit saint Paul writing to the Corinthians, speaketh nothing more of the incestuous person that was amongst them, but onely his counsell was to excommunicate him: and the reason is, because he there spake vnto the Consistory of the congregation, and not vnto the ciuill magistrate, making a great difference betweene the office of the one and of the other.

Then by this that wee haue already sayd, it appeareth that the christian prince may, and ought to suppresse his heretical subiectes, either by warre or by any other lawfull meanes, so that it be done with iudgement and some moderation.

And first he must make a difference betweene shanneles, obstinate and contumacious heretiques, who are the setters on fire, the plaguers, and chiefe captaines, to consume, infect, and leade others headlong into perdition: and betweene the poore ignorant people, who are seduced and abused by them,

and

and do not offend deliberately of mallice or obstination.

The first are incurable, and without all doubt ought to bee persecuted by the prince as murtherers and poysoners of soules. For albeit no man may be compelled to receaue the faith violently, yet so it is, that the prince ought by no means to permit any to oppose himselfe publikely against the faith.

Concerning the ignorant people, and those that offend not vppon any purposed malice, nor by any selfwill, and in whom there is as yet some hope of amendment and conuersion, they ought not to be prosecuted with death incontinently, but there should be prayer made vnto God for them, and they must bee instructed with patience, till they come to better vnderstanding.

Secondly the prince ought not to condemne, nor punish by warre, or otherwise any of his subiectes for heretikes, before hee haue conuinced them to bee such by the word of God: for such proceeding is cleane contrary to the deuoire of christian princes, who hauing their subiects suspect, or accused of heresie, yet being such that they will submit themselues to verifye their doctrine by ꝑ word of God: in stæd of hearing them, stop their mouthes and will not let them speake for themselues: in stæde of causing disputation to bee made against them by the holy scriptures, refuse and contemne the holy scriptures: in stæde of examining their arguments and reasons by the true analogie and proportion of the faith, condemne them straite against the faith, persecute them, massacre, and burne them, warre on them, and vsing all kind of barbarous cruelty towards thē, violate their owne lawes and promises.

King Lewis the twelft of that name was not such a one: This good king and father of the people being importuned by the Cardinals and Bishops of his time to vse some rigoure & some manner of bloudy execution against those of Cabrieres and of Merindol in Prouence, whom the most part held for heretikes: vnto whom hee made this answere worthy of a Christian king. I am (saith he) King and ruler ouer my people, to administer iustice amongst them: which I cannot do without hearing them who are accused. And there-

fore I muſt heare them before I can condemne them, yea were they Turks, Iewes, Sarazins or Deuils.

And thereuppon, although they certifyed the King ſundry times that the doctrine of thoſe of Cabrieres and of Merindol had bin often condemned by the Councils, and namely by the Councell of Lateran: neuertheleſſe he perſeuered in his holy aduiſe, and ſaid: I will not ſtraine my conſcience ſo farre, to be ſo haſty in iudgement vppon the ſole authority of condemnations ſet downe by the Councilles, but I will haue the hearing of the perſons accuſed, before I procéede to condemne them.

A moſt golden ſaying: for indéed it is not ſufficient that men bée accuſed to be heretikes, if they be not conuinced to be ſuch by the holy ſcriptures. For if the ſole accuſation would ſuffice to condemne a man, there is no kind of innocency but loſeth his right.

Let vs now ſée what miſchiefes warre bringeth, to the end that chriſtian princes do not vſe it, but in time of good occaſion and of great neceſſity.

Chapter IIII.

That becauſe of the great inconueniences and miſchiefs that accompany warre, princes ought not to attempt it, except in time of great extremity.

AGeſicles the Spartan King, and Ariſtotle were wont to ſay, that a King ought to gouerne his people, as a father doth his children. For ſo alſo in ancient time kinges were called by an Hebrew word, Abimelech, which ſignifyeth, *My father the king.* Now the father gouerneth his children in al lenity and godlines, and not in rigour, ſo ſaith Martianus the Lawyer: The king then ought to rule his people in lenity & godlineſſe, and not in rigour: but he doth the contrary, when he ouerpreſſeth them with warre. For it is not to rule in pi-

L. 5. Paricid.

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ety and lenity, to exercise such tyrannicall gouernment ouer his people, namely by ciuill warre, which is the very scourge of the people, far more vnsupportable and hurtfull then forraine warre of strangers. Let vs then see, what mischiefs warre bringeth vnto a common wealth in generall.

Warre maketh all things deare, and causeth famine: for the souldiers treade downe the fruites of the earth vnder their feet, spill the vines, steale, burne whole townes and villages, spoile and rob mens houses, take away mens cattell, fourrage their barnes, lye in waite to set vppon men in the high waies hinder the traffique and concourse of Marchants, and doe commit many such like mischiefes, which for the most part cause great famin and scarsity.

Warre is cause of great sickneſſe, and namely of the plague and contagion: it bringeth great payne and torment with it: a man in the warre is ill lodged, hee must eate that which hee findeth, and drinke what he can come by, and oftentimes the aire is corrupted by the infectiō and stinking sauours of an armye, and by the number of dead carcasses, as well of men as of horses, which lie scattering here and there not farre from the campe.

Warre causeth all Lawes and iustice to cease, the true seruice of God to bee corrupted, or the frée course thereof to bee hindred.

Warre maketh all reason and equity to yéelde to violence, abandoneth youth to all wickednesse, and lose liuing, causeth gray haires to be vilipended and set at naught, abastardizeth all estates, and causeth them to degenerate, exalteth men of small quality, bringeth low honorable estates, bringeth in innouations and dissolutiōs, maintaineth disorder and confusion, interrupteth the Vniuersities, and maketh all scholes of learning (the seminaryes of vertue) to cease, and make intermission, soweth the very sēdes of all trouble and sedition, entertaineth and fostereth the rascallest sort of people, some that haue gone about with a bag, and some that haue deserued the corde: maketh one neighbour not to know an other, to eate and distroy one another, taketh away by force the plowman from

his tyllage, and carrieth the Artizan will hee, or nill hee, from hys shop and family. No man is able to furnish so many contributions as it craveth. The poore man dyeth for hunger, the innocent suffreth wrong, wiues and maidens are rauished and defiled, thousands of children made orphans and fatherles, blasphemie and reuiling the name of God committed, murders, thefts, and adulteryes perpetrated daily, all excesse vsed: and what mischiefe or villany is to be named, wherewith the warre aboundeth not?

Some warre traineth after it so many and infinite mischieses, that worthily it is called the scourge of God. Therfore Virgil sayd: No hope of health in war, therefore wee demaund peace. So also Seneca saith: Peace is to be esteemed aboue the greatest things of account, & aboue al the riches and treasures of this world. And he which hath not this peace in possession, ought to purchase it and buy it dearly. And the maister of sentences saith: That man is mad who liueth in peace, and yet will seeke warre: for peace (saith he) bringeth aboundance of good, & warre taketh it away againe, and scattereth it.

11. Aeneid.

Then Princes which haue this priuiledge to be christians, if they loue their people, as good fathers loue their children, they ought not to manage warre but in great neede, and in case of extremity: and then to vse it as a remedy very dangerous and mortall, as is the searing and incision of any member. And as the skilfull Phisition saith: Extreame remedies must be applyed to extreame maladyes. But let vs now see with what lawes and rules they ought to wage warre if necessity require.

Hypocrat. Aeph.

Chap-

Chapter V.

Certaine rules and lawes to be practiſed of thoſe that vndertake to wage warre, to the end that God may bleſſe and proſper their actions.

O all things with aduiſe (ſaid Salomon) and thou ſhalt neuer repent. Now (ſaith Socrates) three thinges are contrary to good aduiſe: haſt, anger, and couetouſnes. It falleth out often that warres are not taken in hand vpon good and lawfull occaſions: and ſo are curſed of Gods mouth: and albeit they be vpon good and lawfull occaſions taken in hand, it commeth to paſſe yet, that being ill managed and made in haſt, or els being waged vpon ſome exceſſiue choler and ſtomacke, or for a thirſt of lucre and couetouſnes, or vpon ſome particular humour of enuy, they are alſo curſed of God. Princes therefore haue theſe fewe rules to practiſe and follow.

1 Rule.

That warres be not taken in hand, but for ſome great and important affaires: as ſome are whereof we haue ſpoken a litle before.

2. Rule.

That the Prince be not troubled vpon euery light occaſion, but before hee make warre, that hee aſſay by all meanes poſſible to maintaine peace and concord: for if the end of war be to ſeeke to conclude peace againe (as Cicero ſaith) without all doubt the chriſtian Prince ought to procure and ſeeke all honeſt and lawfull meanes, whereof hee can bethinke himſelfe, to pacify and accord all differences, before he procéede to armes and to warre: and aboue all thinges if he be well aduiſed, ought Offic. 1.

to be very milde and patient aboue all thinges in his ſharpeſt afflictions, and ſoreſt temptations. Plato being aſked vppon a time how a wiſe man ſhould be knowen: anſwered, when he had great and ſundry troubles, if he ouerpaſſes them mildly, and with much patience.

We read of Fabius Maximus, who by his great patience and long delay in taking his fytte time, ſtopped and diſappointed the furious rage of Hanniball, and ouerthrew his forces which ſeemed almoſt inuincible. So by this meanes he preſerued the common-wealth of Rome from moſt imminent danger. And in very deede if running headlong and ouer great haſt be condemned as a raſhnes in all perſons, eſpecially it is to bee blamed in Princes, when they take in hand to make warre. For (as a Greeke Poet ſaid) the ſecond thoughtes are commonly the wiſeſt, and the beſt.

Euripid.

3 Rule.

That no man warre, to the end to vſurpe the goods and inheritances of other men. For that were flatly to go againſt the commaundement of God, which forbiddeth to ſteale. Wherefore Alexander the great was as mucha thiefe, when he ſacked any prouince, or when he did vſurpe it with a ſtrong and mighty nauy: as was Dromedes the litle Pyrate, that did but ſkimme vp and downe the ſea in a litle Brigandine, robbing here and there where he could come by a boty. But (as one ſaid very pretily) all the world is as it were a great bed garniſhed with diuers little couerings and litle keuerlets, euery man drawing a peece to himſelfe, and vncouering his nert bedfellow.

If one demaund whether Mydas or Crates was the verier fole: whether Mydas for that hee made accompt of nothing in this world ſo much as of gold: or Craces, for that he caſt a great ſumme of gold, being all that he had, into the ſea: He that hath any reaſon, will ſay that Crates was the wiſer of the two: for Mydas drowned himſelfe in his golde, but Crates knowing that his golde was a great hinderance to his minde, that he could not intend to apply his ſtudy of Philoſophy, caſt

it

it into the sea, saying it was better for him to drowne it, then it should drowne him. I bring in here this example of the poore Pagan, to condemne the ambition of diuers Christians, who not contented with their owne possessions, seeke by all meanes possible to encroch vpon the possessions of other men: as wee reade of king Pyrrhus, who hauing made an enterprise vpon Italy, Cineas his sage counseller said vnto him: wel (my Lord the King) you pretend to be shortly maister of all Italy: I mary, saith he: and what will you do when you haue got it all: I will pas, saith he, into France and Spaine. And what will you do then: I will goe to subdue all Afrique. And after that what then: when I shall haue subdued the world vnder my Dominion and subiection, I will bee (saith he) content, I will liue at mine ease and rest my selfe. For Gods sake (said Cyneas) my Lord tell me, what holdeth you, that if you will, you are not in possession presently of this estate: what want you: what stand you in nede of to be content, for you are sure of it: by all these sage demaundes and replies Cyneas thought to make Pyrrhus perceaue at last the vanity of his ambition: but he talked vnto a deafe man that would not heare.

And it is a *maxime* verifyed from all times, that euery empire or kingdome enlarged by extorsions and rapines, by encroching vpon the signiories and territories of other Princes, must fall to decay at last, must be ouerthrowen & ruined within it selfe by ciuill warres, dissentions, or other tumultuous broyles.

4 Rule.

That the Prince that will vndertake to warre against others, first let him knowe how to rule and ouercome his owne passions and affections. For (as Socrates saith) it is a matter of greater difficulty, and a more vertuous act to ouercome his owne will, then to ouercome his ennemy. And Plato saith, Hardly will he ouercome his enemy, who knoweth not how to ouercome himsele. Let not then the Prince be carryed away with his foolish passions, especially by too much choler, by a particular desire of reuenge, by hatred or

by other such like affections, which hurt and hinder the true order of proceeding in right and iustice.

It was a rare example of the choler of Seuerus Cassius, of whom it is reported, that he did pleade better being troubled & moued, then otherwise: and that his aduersaries stood in feare to moue him to anger, fearing lest in his angry mode hee redoubled the eloquence that he vsed otherwise being not moued.

Anger (saith Cassiodorus) is the mother of all other vices: and the corruption of all vertues, as Aristotle saith. Take heede of anger (saith Varro) for it ouerthroweth all reason quite, and troubleth the vnderstanding. The man (saith Cicero) that in his fury and anger, will reuenge himselfe of any other, and chastise him presently, can neuer keepe any meane betweene too much and too little.

But for the enuyous man, he boileth inwardly, as Horace saith, and is content to destroy and hurt himselfe to hurt and endomage another.

5 Rule.

That the prince vsed of necessity to warre, chose out wise Captaines and guides well experienced and valiant men. For in the policy and counsell of the captaines and guides (so saith Publius) consisteth all the puissance and addresse of the men at armes. Another said, he had rather haue an army of Harts vnder the conduct of one Lyon, then an army of Lyons vnder the conduct of one Hart. Cæsars souldiers being on a day chased backe and put to flight, by Pompeius campe, Pompey daring not to pursue him in the chase long, Cæsar said that night secretly to his friendes, that that same day his enemies had won the last victory, if they had had in their campe but one captaine or leader, that had knowen how to ouercome or conquer.

Fulgos. liu. 7. ch. 2.

Now a dayes some such are made captaines that were neuer souldiers before, or at the least, good souldiers. Hee, for lacke of experience, before they euer haue bin in field, they are vnworthy hardy, in so much ỹ they dare eate vpon charret wheeles.

But

But when indéede they must lay about them and fight in good earnest, to make proofe of their valour, they are astonished, and their hart faileth them incontinent.

But aboue all thinges the Prince ought to make choise of such men for guides and leaders, as haue the feare of God before their eies. For often times it commeth to passe, that for the wickednes and peruersnes of the Captaines and chiefes, God powreth out his anger vpon all the poore people: as appeareth by that one example of Achan, who for taking spoils that were forbidde him, the anger of God was kindled against all the Israelites. Ios. 7. 1.

6 Rule.

That he chose also for his men at armes and souldiers, men that feare God: for the victory dependeth not of the multitude of fighting men, but of the grace and fauour of God.

We finde many worthy exploits, which surpasse all military discourses and reasons in Cæsar, accompanyed onely with a few valiant and hardy men at armes. For with howe small a number did he enterprise to subdue Egypt, to set vppon the armies of Scipio and Iuba, and atchieued his enterprise? His forces were by ten partes more feeble then theirs. With how poore equippage at the Streight of Hellespontus durst he assaile, fetch in, and force to yeeld Lucius Casius? He had but a litle barqueroll, and the other had ten great ships of warre: nevertheless hee atchieued his enterprise. With how harde meanes did he hazard himselfe to assiege Aleria? and yet he had but slender and meane forces. Within the towne there were 70000. men of defence, and without the walles were the Gaulois camped against him, to make him raise the siege to ỹ number of 109000. horsemen, and 240000. footemen: *non obstant* all this he encountred first with the succourse, and vanquished them in fight, and afterwards compelled those within the walles to yeeld to his mercy.

Now if the pagan Cæsar hath done so valiant exploits, reposing the confidence of his victory, not in the great number of

his souldiers, but in the good lucke of his fortune (to speake after the manner of the Paynims) and in the valour of his men at armes. What shall our christian captaines do, who haue their men of warre, not onely courageous and valiant, but also such as haue aboue all thinges the feare of God before their eies: albeit they be not very many in number? and surely the body of a maine campe ought to consist but of an indifferent and moderate number of men: for these huge and mighty armies consisting of men innumerable almost, do very seldome any thing worth the speaking of. But those armies that are reigled with certaine moderat bornes, for the most part do atchieue most glorious exploits, and signally when they are all sincere and true Christians.

Heb. 11 33.

Hether haue relation the holy histories of Gedeon, of Baruc, of Sampson, of Iephta, of Dauid, and of diuers other captaines and guiders in warlike affaires: who (as the Apostle saith to the Hebrewes) by faith haue encountred with forraine kingdomes, and turned to flight the campes of Allians and strangers.

And who doubteth, but that most famous and great victory which the King of Nauarre had in a battell this last yeare against the Duke of Ioyeuse at Coutras, hath relation and referreth it selfe to this place? The pastour that offered vp the prayers vnto God, immediatly after so great a victory to giue him thanks therefore, might very wel say that, which he saith: Our arme hath encoūtred, but the arme of the Lord hath vanquished. To conclude, it is not an hard matter for God to saue with a small number of people, that which the holy scripture affirmeth to be true.

1 Sam. 14. 6
Iudith. 9. 15

7 Rule.

THat good and holy lawes haue course and vigoure in christian armies, and not onely in townes and Cities, but also abroade in the middest of the campaigne. For this sentence, that the lawes cease, & are of no force in warre, is not of God but of the Deuill.

But

But it is expedient, that these lawes be common to all, and that they hold vnder, not onely souldiers, but also the Chiefes and Captaines, from the least in the campe to the greatest, in such sort that none aduantage be taken of these lawes, as was by the lawes of Anacharsis, which were compared to the Spiders webs: for as the webbe of the Spider keepeth the little Flies fast prisoners till the Spider come, and breaking when the great Flies fall in, letteth them goe: so Anacharsis lawes punished those of small and base quality, and let the mighty and great ones escape vnpunished. And it is in lawes commonly, as in the Poets censure: Which spareth the crowes, and putteth the poore pigeons to paine. Horat. Sat. 20.

Papinian the Lawier chose rather to die, then to excuse the parricide of the Emperour Caracalla.

Zaleucus enacted in his lawes, that whosoeuer should bee found to commit adultery, should haue both his eies put out: it fell out that his owne sonne was conuinced of this crime, wherefore his father would in any wise haue the law executed vpon him: & sure so it had bin, had not the importunate praiers of his people, entreating him to remit wholly the culpe, moued him some thing in the matter: but see what hee accorded vnto the people, because he would not haue his lawes violated, and to be made without effect: to satisfy the law, hee put out one of his owne eies, and commaunded that his sonne should haue one of his eies put forth in like manner. Val. Max. li. 6. cap. 5.

Archidamus being asked, who were the chiefest gouerners of the Citty of Sparta: made answere, the lawes and the magistrates lawfully established in authority. Agesilaus king of the same city of Sparta said, that the captaine generall in warre is bound to follow and do that which the lawes commaunde him, and to prosecute iustice, without the which, all prowesse is nothing worth. It is a very seemely thing (sayd the emperours Theodosius and Valentinian) for his Maiesty that ruleth ouer others, to declare that hee his a Prince conformable to all good lawes. To conclude, saint Augustine saith, the law guideth all force and power in martiall affaires, and giueth great vigour and lustre to iustice and equity. Plut. in the life of Agesilaus. In an epist. to Volusiã. Aug. l. 4. of the city of God. ch. 4. & 6.

And indéede loke by how much the more matters are troubled (as in warre) by so much the more haue they néede of some good order and reiglement. If a Carpenter or Mason should cast away his squire, his rule and his compasse, how shall he be able to worke? If the Pilote, when there ariseth a great tempest at sea, do cast away his bellishing, his carte, his néedle, and his sterne, how shall hee bee able to conduct his ship with iudgement to the place whither he pretendeth to saile? We sée by experience euery day what is done in warre. There is no mischiefe, that souldiers do not put daily in practise against the poore people. In warres the lawes are silent, and men at armes will haue no execution of iustice. The cause that is pleaded is open and iust: but that is all. Besides that, there is nothing done according to iustice and right. No maruell then though sundry times the enemy get the vpper hand.

8 Rule.

That the leaders and Captaines bee valiant and courageous in all such difficulties, as of custome fall out in exploits of warre. The cunning Pilote is knowen and tryed in tempestuous weather at sea: for in a calme euery sayler can play the cunning nauigator. Metellus was wont to say, that it was a common and easy matter to do well where no danger was: but that the part of a braue and valiant man was, to behaue himselfe well in matters of great difficulty and danger. Vertue, saith one, reacheth to hard matters full of difficulty and danger. Shée hideth her selfe and is as it were vnknowen, in easie thinges, but appeareth and sheweth her selfe where any difficulty presenteth it selfe. Shee refuseth facility for her companion, she is painfull and full of trauaile and toyle: she dwelleth vpon the top of an high rocke, and the way that bringeth to her is rough, harde, and full of prickes and thornes. To bee briefe, difficulty setteth the price of vertue.

Ouid.

Sylius.

9 Rule

9. Rule.

That Captaines be diligent and painfull, and in no wise ydle and sluggish. Diligence, saith Homer is the mother of riches, the health of the body, and the safegard of the soule. And againe by great diligence a man commeth soone to perfection. I am come, said Cæsar, I haue seene, I haue got the victory.

The sluggish idlenes of the emperour Theophilus, caused him to lose the battell that he fought against the Agarens, and yet after he had lost the field he was so lazy, and slouthfull, that he could not make any shift to flye and retire. But Manuel a chiefe captaine in his armie, shaking him by the sleeue, and drawing him away by force of armes, to awake him out of his drowsy sluggishnes, told him plainly, if he would not follow and make away spedily, hee would kill him with his owne hands: for (saith he) it is better that thou shouldest lose thy life, then being taken prisoner to ruine the empire.

But as abstinence is a punishment to the gormande glutton, sobriety to the dronken wine bibber, thrift to the prodigall spendall, chastity to the filthy adulterer, study to the idle loyterer: so labour and diligence is a racke and torment to an idle person that hath litle minde of affaires committed to his charge. But military profession hath nothing of impossibility or difficulty in it: were it not for our nonchallancy and sluggishnes that maketh thinges to seeme impossible and difficult. Many Captaines now a dayes content themselues with very small deliberation in their affaires: but for their paines and diligence in any exploit or enterprise, they imploy that but to the halfes, and very sleightly God wot. They referre all to their officers, their officers to their souldiers: so putting trust the one in the other, they ouerpasse oftentimes the bornes of their deuoire: and at the last being pursued and surprised by the crafty wiles of their enemies, they are faine to yeeld and be ouercome.

10 Rule.

Eſay.30.1. That nothing bee enterpꝛiſed oꝛ attempted without aſking aduiſe at the mouth of God. A curſe fall on thoſe rebellious children, ſaith the Lord, that take counſaile, but not of me, and weaue their webbe, and not by the counſaile of my ſpirit, to the end they may heape ſinne vppon ſinne: who walke to goe downe into Egypt, and haue aſked no queſtion at my mouth to fortify themſelues in the might of Pharao, and to put their truſt in the ſhadow of Egypt.

Pꝛayer muſt be then made vnto God, beſoꝛe any thing be attempted, but not ſleightly, oꝛ from the teeth oꝛ lippes outwards, but inwardly from the hart, with reuerence, honoꝛ, and carefull regard due vnto the deuine Maieſty: ſoꝛ pꝛayer is an action too deuine to be vſed onely by the lungs and tongue: it ought to pꝛocéde from the very entraels of the hart, and from a deuout and religious conſcience: and therefoꝛe all armies ought to haue true paſtoꝛs and miniſters to make pꝛayers and ſupplications, and to do other their charges enioyned them of
Deut.20.2. God. Foꝛ the Lord hath willed and commaunded, that there ſhould be Pꝛieſtes to ſacrifice in the warres of old time, as alſo now hee hath appointed miniſters of the true religion foꝛ the ſame purpoſe.

11 Rule.

Eſay 31.1. That the armies put their truſt in God alone, and not in the helpe of man. A curſe fall vppon them, that go downe into Egipt for aid, ſaith the Lord, and put their truſt in horſes, & their confidence in charriots, becauſe they are many in number, & in their horſemen becauſe they are luſty & ſtrong, and haue no regard to the holy one of Iſraell, and aſke no queſtion at the Lord. And a little after: The Egiptians are men and not Gods, and their horſes are fleſh, and not ſpirit. The Lord ſhall ſtretch forth his hand, and then ſhall the helper fall: and hee that ſhould bee helped ſhall

fall

fall together with him, and they ſhall all together be deſtroyed.

The aide of men may deceiue and delude thoſe that put their confidence therein, as are the huge and mightie armies, the great force of people, the addreſſe and ſwiftnes of horſes, alledged before out of Eſay the prophet: as Dauid himſelfe could well tell in his 33 pſalme. Ther is no king that can be ſaued by the multitude of an hoſt, neither is any mighty man deliuered by much ſtrength. Likewiſe, a horſe is counted but a vaine thing to ſaue a man, neither ſhall he deliuer any man by his great ſtrength. Examples hereof are euident in many places of holy writ: in ỹ hoſt of Pharao, in Goliath, in the armie of Senacherib king of Aſſyrians: in many battailes fought in our dayes, namely in that moſt famous victory which the king of Nauarre got againſt the duke of Joyeuſe 1587. whereof we ſpake before. Exo. 14.10. 1 Sam.17. Iſa. 37.36.

But the aide and helpe of God is moſt ſure to be truſted to, and infallible. As appeareth by the Iſraelites warring vnder their captaine Ioſua againſt ỹ Amalechites: for it is ſaid, that when Moyſes held vp his hand, the people of Iſraell vanquiſhed and ouercame: but when he plucked backe his hand, Amalec ouercame. By the lifting vp of Moyſes hand, the aſſiſtance of God is vnderſtood.

There is alſo another notable example of the ſame in Aſa king of Iſraell: for Hanani to make him acknowledge his fault in ioyning his forces with Benadad king of Syria, perceiuing him to repoſe more confidence in him then in the helpe of the Lord, in the warre, that he had againſt Baaſa king of Iſraell, told him in this wiſe. Becauſe thou haſt truſted in the king of Syria, and not in the Lord thy God, therefore is the hoſt of the king of Syria eſcaped out of thy hand. Had not the Ethiopians and Lybians an exceeding great hoſt, with an innumerable company of charyots & horſemen? and yet becauſe thou truſtedſt in the Lord, he deliuered them into thyne hand. For the eies of the Lord behold all the earth to ſtrengthen them that are of a perfect hart towards him. Herein thou haſt done foliſhly, and 2.Chr.16.7

therefore from henceforth thou shalt haue warre.

In this aid of God did Dauid trust and rest himselfe when he fought against the great gyant Goliath. The Lord God
1.Sam. 17. 37. saith he, who hath deliuered me out of the clawes of the Lyon, and from betweene the pawes of the Beare: he shal deliuer me also from the hand of this Philistian: which the Lord performed indeede.

2.Chr.20.6 Likewise Iosaphat fighting against the Ammonits and the Moabites: O Lord, saith he, the God of our fathers, art not thou the God of heauen, and raignest ouer all the kingdomes of the heathen? in thy hand is power and might, and no man may withstand thee. Behold, the children of Ammon and Moab come to cast vs out of our possession, which thou hast giuen vs to inherit. O our God, wilt thou not iudge them? for we haue not power & might ynough to resist so great a multitude that come against vs, and we know not what to do, but our eies looke vnto thee. &c.

In like manner Moyses exhorting the Israelites to goe
Deut.1.28. vp into the land of the Amorits, sayth, you say, how shall wee goe vp? Our brethren haue discouraged our harts saying, the people are more in number, and taller then wee, and they haue strong cities walled vp to heauen, and there wee haue seene the sonnes of the Giant Enachim: but I say vnto you, dread not, and be not afraid of them: the Lord your God which goeth before you, he shall fight for you, as he did in Egipt and in the wildernes.

So the people of God seeing their king to march so valiantly before their enemies in a warre so doubtfull and dangerous, prayed for him, presaging his victory, assuring themselues as
Psal. 20.8. though he had then already obtained it, rendring harty thanks vnto God, alleadging for all reason: some put their trust in charyots, and some in horses: but we will remember the name of the Lord our God: they are cast down and fallen, but we are risen and stand vpright.

Rom.8.30. Psal.68.1. As S. Paul saith very well: If God be on our side, who can be against vs? And the holy Prophet Dauid saith in an other place: Let God arise, & let his enemies be scattered:

let

let them also that hate him, flye before him.

Like as the smoke vanisheth, so shall he driue them away: and like as the waxe melteth before the fire, so shall the vngodly perish at the presence of God.

Very true it is, that wee ought not to contemne ordinary meanes of humaine aid, seeing that they be lawfull to be vsed: but there must be such as God hath lawfully appointed, and we must take heede that we leane not on them too much.

12 Rule.

That the armies aboue all thinges be Godly and holy, if wee will haue them worke good effect. The Lord thy God walketh in the middest of the campe to saue and deliuer thee, and to make thyne ennemies flie before thee: therefore shall thy campe bee pure, that he see none vncleane thing in it, and so turne himselfe from thee. Deu. 23. 14

It is a *maxime* set downe in the former rule, that if God be in the middest of our host, to conduct and preserue it, the effect shall alwaies be good and happy. This is it also, that the first article of this sentence of Moyses, containeth: on the contrary side then if God bee not in the middest of our hostes, and be not conductor and guider of them, there is no hope to be had of any victory. Therefore Moyses said vnto the Israelites, that would haue gone vp into the land of Canaan, to fight against their ennemies: no, do not goe vp in any wise to fight at all, (for the Lord is not with you) lest yee be discomfited by your enemies. Deut. 1. 42.

But howe is this, that the Lord shall bee in the middest of our hostes? It is (saith Moyses) if they be godly and holy, so that God see none vncleane thing amongest them. There are three thinges that ought to incite vs to be Godly and holy, or to liue holily at warre. Nom. 14. 42.

First the honour and reuerence which wee owe of bounden duty vnto Gods diuine maiestie: for as the coate and liuery of Princes, is the marke whereby men at armes and souldiers are knowen: so the sanctimony of life, which we pretende and

shew proceeding from a true faith, and from his very hart sincerely, is the true liuery, whereby we ought to be recognised to be the seruants of God, and souldiers fighting vnder his banner. If we haue a good captaine at warre, shall not we endeuour by al meanes possible to obey him: and if any thing in vs displease him, to amend it by and by. And shall we not do as much vnto God? For what honor shall it bee for him to haue such men at armes and souldiers that are dissolute, & of naughty life and conuersation?

Secondly, the great extremity and danger wherein wee liue daily, while we be in war. For when perilles do threaten vs on euery syde, and death it selfe is before our eies, and doth pricke vs forwards behind, and horrible as it is, doth compas vs round about: ought we not then to haue so much the more great care and feare of God, and so much the more haue a great regard to thinke of our conscience. If you stand not in feare of men (said one in Virgil) nor the weapon of valiant men, yet feare the Gods. Or as S. Augustine said better. Stand you in feare of nothing, feare God?

Aeneid. 1.

Thirdly the promise that God hath made vs, to be victorious ouer our enemies, if we be vertuous, godly, and holy: and his threat to the contrary. If you walke in myne ordinances saith the Lord, you shall chase your enemies, and they shall fall before you vpon the sword. Fiue of you shall chase an hundred, and an hundred of you shall put ten thousand to flight.

Leuit. 26. 7

Likewise, If thine enemies come vppon you one way, they shall flye before you an hundred waies. And to the contrary: If you shall dispise and transgresse mine ordinances, saith he, I will set my face against you, and ye shall fall before your enemies, and ye shall flye beyng pursued of none. Likewise, the Lord shall make you fall before your enemies: ye shall come out one way against them, and flye seauen waies before them.

Deut. 28. 17
Leu. 26. 17.
Deu 28. 25

And to this ende is the grieuous complaint that God made of his people. That my people would haue harkened vnto me: for if Israell had walked in my wayes, I should sone haue

Psal. 81.

haue put downe their enemies, and turned mine arme against their aduersaries. The haters of the Lord should haue bene found lyers, but the happy time of the godly should haue endured for euer. **And in another Psalme.** Like as the children of Ephraim, which being harnessed, & carying bowes, turned themselues backe in the day of battaile: they kept not the couenant of God, and would not walke in his law. **And the contrary, what hee doth promise to such as be of vertuous and godly life, and serue the Lord vnfainedly.** The Lord deliuereth the soules of his seruants, and all they that put their trust in him shall not bee destitute. Psa. 34.

And againe in another Psalme: the hilles stande about Ierusalem: euen so standeth the Lord roũd about his people, from this time forth for euermore. Psal. 124.

Thus much for the rules of warfarers, which I thinke most nædefull to bee followed of those which will vse military profession.

Chapter VI.

Whether it bee lawfull in Christian warres to lay ambushes, and to vse pollicy to surprise the enemy.

NOw we haue this question to discusse: if the warre be iust and lawfull, and not destitute of her iustice, whether it be lawfull for christians to vse stratagems, artifices, pollicie, ambushes, and other subtilties to set vpon the enemy vnawares: I answere it is, so that the promise made be not violated, nor piety and godlines offenced.

For any priuate persons they are expressly forbidden to kill or to take any vengeance, bee it openly or in secret: wee haue before alleadged what God sayth. Thou shalt not kill: thou shalt not auenge thyne owne quarrell. **And for killing in secret, God saith also:** if any man haue sought priuie meanes Exo. 21. 12.

to kill his neighbour secretly, he ought to be put to death:
2. Sam. 2. & 20. Therefore are condemned as murtherers, Ioab, who slue Abner and Amasa: Tryphon, that slew Antiochus: Alcymus,
1. Mac. 13. that slew the Iewes: Ismael, that slew Godolias. And to
1. Mac. 7. Ierem. 41. verify this Dauid speaking to God, sayth: Thou shalt dis-
Psalm. 5. troy them that speake leasing: the Lord wil abhorre both the bloudthirsty and deceitfull man.

But if one obiect the act of Ahud, who slew Eglon king of
Iudg. 3. 20. Moab by a pollicy: or that act of Iaell, who with a naile and
Iudg. 5. 24. a hammer knocked Sisara in the head, and so slew him whilest he was a sleepe: the answere is easy, that these particular examples ought not to be drawen in consequence. For God hath raised vp these personages to execute his iudgement by extraordinary manner. And wee must vnderstand this, that their actiõs in that matter are iust and excusable, because God hath blessed them, and approued them by his most holy word.

But touching Princes, Captaines, and officers in warrs, in actions of their proper charge, and namely in exploites of warfare: there is a consideration a part to be made. For if it be lawfull for them to take and hang the thiefe, the robber, the assassionate, and others of like quality: If they cannot do open execution, why may they not do it secreily by ruse and pollicy? and if this may be done lawfully at home, why not abroad in warre?

Aug. li. 8. q. ex cap. 8. Saint Augustine was of this minde, and the examples hee alleadged are found in the holy scriptures.

Ios. The children of Israel fighting against the Beniamits, counterfaited to flye before them, and by this pollicy getting them out a great way into the campaigne, hauing layed diuers ambushes against their comming, ouerthrew and slue them euery mothers child.

Iosua being commaunded of God to arme himselfe against the towne of Hay, hauing chosen out thirty thousand mighty and valiant men of warre, caused them to approch the towne
Ios. 8. by night, and said vnto them. Behold, you shall lay an ambush on the backe side of the towne: be not farre off from the citty, but be all ready. I, and all the people that are with

with me, will approch the city. And when the rush out against vs, as they did at the first time, we will flie before them: for they will pursue vs till we haue brought them a good way out of the citty: for they wil say, they fly before vs, as at the first time, and we will flye before them: but you shall rise quickly out of the ambush, and conquer the citty, for the Lord God shall deliuer it into your handes, and so it came to passe.

There are many other like examples in the holy Scripture which proue manifestly, that christian princes & magistrates may with a safe conscience lay ambushes, and vse pollicies in warre, to surprise and ouertake their enemies. But we must take heede that in such actions nothing be attempted or done against the faith promised, nor against godlines and piety. Wherefore herein Cleomenes is worthy to bee condemned, who hauing confirmed a truce with the Argians for 7. dayes, the third night after set vpon them whilest they were all slæping, and so slewe and ouerthrew them all, alledging for his reason, that the truce he concluded, was made but for ỹ daies, and not for the nightes. This was an hostile subtilty that God himselfe afterwards reuenged. Hardly would euer the paynim Cæsar haue done the like: for vppon a time warring vppon Ariouistus, as he parleed with him, there happened a great tumult betweene the two armies, which began through the fault of Ariouistus horsemen. In this tumult Cæsar perceiued he had great aduantage of his enemy, yet was hee so scrupulous, or of so good conscience, that hee would not take that aduãtage, fearing lest he should haue bin said afterwards to haue gone against the law of armes. And it boteth not here to bring in the counsel and policy that Lysander giueth: that is: if the skinne of the Lion will not serue, to sow vnto it a peece of the Foxes skinne: For wee must put a distinction betwixt subtilty and treachery. Treachery is alwaies forbidden & condemned as not lawfull to be vsed. Who hath once lost his faith (saith Seneca) hath nothing more to lose: and Cicero saith, by two waies is iniury offered: either by force, or frawde: frawde is proper to the Foxe,

Hostile and treacherous pollicie.

L.1. D. de dolo malo.

Ciceffic.1.

force to the Lyon: both ought to be far from a man, but frawd ought alwaies to be had in detestation.

Heare a worthy sentence, worthy also a christian man, yet spoken by a pagan. He saith moreouer, that faith or promise made is not to bee violated towardes the very enemy.

So then let the chiefe captaines and guides at warre make no difficulty to vse pollicy, and ruse of warre, to surprise and take their enemies at aduantage, if it be possible: so that by no meanes they violate their promise giuen, nor falsify their faith by any treachery or hostility.

Chapter VII.

Of the resolution that men of Warre and Souldiers ought to haue, either to liue or die when they come to battaile.

Here resteth one point yet to bee handled, concerning the resolution that men at armes ought to haue in martiall affaires: and without all doubt, resolution in all thinges may do very much. And that is the cause why Phisitions require a good hart of their patients, before they minister vnto them any phisicke, to the end their good hart and resolution may helpe them sooner to recouer health, and supply for fault of medicine. I say then that the principall part of the wisedome of a warrier consisteth in this wholly, that he resolue himselfe in any wise not to feare death: and in this point do not onely all the sectes of Philosophers rencounter, but also all the writings of the learned diuines agree, in exhorting vs to contemne and dispise death. The remedy of the vulgar sort against the feare and apprehension of death is, not to thinke of it, but to receiue the deaths wound without thinking or remembring it.

Yet

Yet Caius Iulius the noble Romane did not so, for being condemned to die by Caligula, euen when the executioner held vp his hand to strike of his head, a certaine Philosopher asked him: Wel Caius, tell me, whereupon dost thou thinke now? I thought (saith he) in my spirit to be ready and watchfull, as neere as I could, to see if in this instant of death so short and sodaine, I could perceiue the dislodging of my soule, and to see whether she had any feeling or perceiuing of her owne going forth of my body or not. The dangers of warre do represent vnto vs indeede death very sodaine and horrible. But death commeth sodainly also vppon vs, when we liue at greatest quiet, and in our deepest delicacies, as some haue very wel noted in these examples following.

A certaine Duke of Britanny was stifled in the presse of people at Pope Clements entering into Lyons. One of the kings of France was slaine sodainly at tilt. Aeschiles was knoct in the head with the scale of a Tortise, that fel out of the beake of an Eagle flying in ỳ aire: another was choked with the kernell of a raisin sticking in his throat, another with a haire, another died with the pricke of a needle in his finger. One of the Emperours died with the scratch of a combe in curling his head. Aemilius Lepidus toke his death by hitting his foot against the threshold of his doze. Caius Iulius a Phisition, applying a plaster or ointment to a mans eies that was sicke, death came and closed vp his owne eies sodainly. Cornelius Gallus a Iudge, Tigillius captaine of the watch in Rome, Lewis sonne to Gui de Gonsague Marquis of Mantua, died all three sodainly betweene Womens thighes, and there was their ende. These examples so rife and ordinarie (to the which we may add an infinite of these, which being well at ease and in health, eating, and drinking, euen now merily, and within an howre dead) to fortify the exhortation and good counsaile of Homer.

Twixt hope and hate, twixt anger, care and feare.
Thinke euery howre thine end of life drawes neare.

And that was the cause that the Egyptians vsed in their

feastinges and banquettings to bring in among their iestes a dye anotomy of a dead mans carkas, to aduertise all their guestes thereby the better to remember their end.

Now if in the middest of our greatest iollities and pleasures, liuing in peace, wee ought to represent before our eies the Image of death, in open sight and not with a courtaine: What should wee then do in time of warre: in time of combatting and fighting: in time of rencountring and ioyning armies: in time of assault: in time of skirmish, and in time of breach:

The first day of our birth we beginne to take our iourney towards death. But it is a thing of great importãce to knowe whereaboutes in our iourney death will find vs out. The emperour Vespaian was not of the mind of these Lechargikes, who are so drowsy that they will not be awaked, but dye sléeping: but he said, I will die doing something. So ought euery vertuous man to do: wee are borne to do something, therefore death should finde vs not idle, but doing something: but that which we do ought to be honest, godly, and holy. We are daily occupyed in thinges that the body might be without wel ynough: yet we do nothing but turne round like a whéele in vanities and superfluities. We eate, we drinke, we sléepe: and againe we sléepe, we drinke, wee eate a great deale more then would serue our turne: and so we do nothing but turne round in this whéele of pleasure and voluptuousnes. But we ought to haue some care and consideration of our state and vocation wherin we liue, to exercise and vse that: and being busied therein, should our death come vpon vs and finde vs occupied: and our action being honest, vertuous & godly, no doubt but it pleaseth God wel. And no doubt such is the action in our state and vocation, that we exercise in iust and lawfull warre, and namely, when it is made for Gods cause and quarrell, and for the defence of his Church vnder christian Princes: so that if we dye in warre, we are no lesse martirs of our Sauiour Iesus Christ, then are some of our brethrẽ who haue bin burned, drowned and massacred cruelly before our owne eies, for the cause of Gods true faith and religion.

Our life hath it limits, no man dieth before his hower, but all

all men prolong not their liues alike, nor with like disposition as did the Musitian Xenophilus, who liued in perfect health an hundred and fiue yeares, hauing neuer in all that space the least apprehension of any mallady or paine. Wee dye without any exception all, either yong or old. The time before we were borne was none of ours, nether is that time any of ours, that commeth after our death.

There is nothing more certaine then death, and nothing more vncertaine then the howre and moment of death, death is common to all and no man may auoide it. It is but a kinde of slæpe. It is the period and last degrée of all miseries and trauels of this life, saith Saint Iohn. It is our last paine, saith Lucan. Of others it is called the soueraigne felicity of nature, the dore vnto liberty, a soueraigne medicine, good for all diseases, the marke whereat all mankinde leuelleth. Why then do wee feare it so much? Death (saith Hermes) is as the fall of an arrow, and our life is as the time, when it is shot out of the bow till it light on the ground. Heb. 9.27. 1 Thes. 4.13 Apo. 14.13

Our life is, as it were a prison (saith the holy scripture) it is like a pilgrimage, or a short voyage, as a vapour which is seene a little, and by and by vanisheth away, as a shadow, which passeth away swiftly, as an Image, as a puft of wind, as the weauers shuttle which glideth through the cloth quickly, as a flowre that soone fadeth, as a shadow that followeth a man harde at the heeles, and stayeth now here behinde him. What is then this mortall life, that wee make so much accompt of it? and what is this death that wee should so much feare it? The very frends seeme fearefull to litle children, when they come before them masked. So playeth death with vs: for let vs but plucke the maske or visard from his face, and all dread and feare will vanish away. Socrates said, that a man should not feare death, for death hath in it none other bitternes but onely feare, and the apprehension of feare that one conceiueth. Those that by some violent hap are fallen into a sownd, and those that haue bin more then halfe drowned, or more then halfe hanged and strangled, may well say, that in some respect they haue loked death in the face, be- Phil. 1.23. Gen. 47.9 2 Cor. 5.9. Iam. 4.14. 1 Cor. 7.31. Psal. 39.7. Iob. 7.6, & 14.2.

ing so nére vnto him as they were. It hath nothing then in it that is to be feared: and the reason is to be noted, which is this: that the sting of death, which is sinne, is brought to nothing, and that death is the last enemy that Christ ouercame in his victory: to be briefe, after death we haue no place to be taken hold of by any other misfortune. Euen as before the comming of death (as the wise man Solon said to K. Cræsus) no man can iudge aright of our good fortune or bad, by reason of the great varieties and changes of humaine affaires. For what is there in this world permanent and durable? Vanity of vanities (saith the sage Salomon) and all is but vanity. Eccles. 12.

Democritus finding the state of humaine actions to bée vaine and ridiculous, mocking and grinning, was wont to laugh alwaies when he came abroad into any company. Heraclitus finding the same condition most wretched and miserable, had some pitty with him, and wept alwaies bitterly. Diogenes came somewhat nére the humour of the first, for hee was safe rowling vp and downe in his tonne, made none accompt of worldly riches, esteémed not any whit of the pomp and magnificence of men, whom hee made accompt to bee, as it were flies, or as it were bladders full of wind. It is our best & neerest way then (if God haue so ordained it) to passe quickly the last pace, that wee may bee happy in heauen, after our terrestre pilgrimage. The marchant wil he be sory to arriue at a city whither hee hath long trauelled, taking great daies iourneies for his traffike: and shall wee bee sory to arriue at Death, whither we goe daily following our vocation? The Post is glad when hee is safe come home againe to his owne being, after hee hath wearied himselfe with so many Postes, and ridden many a weary iourney. The Pilot is glad for ioy when he striketh saile in the wished hauen, after that he hath floted long time in great danger vpon the frothy waues of the swelling Sea. The man at armes that runneth for a game within the lists, is glad when hee commeth at the end of his race, to cary away the ringe, and win the price of the game: And the souldier shall he suffer himselfe to be sluggish with sad-

nes

nes and feare, when he shall see himselfe in the middest of the battaile, or in the middest of any other exploit, to see himselfe end his life honorably: so as God hath appointed him?

We read that among the Romans Brutus, the two Decij and some others: and among the Grekes Codrus, king of Athens, Themistocles, and others who killed themselues for none other reason, but for the benefyt of their countrie. And shall we make so great difficulty in farre more lawful and iust vocation then they: yet not giuing our own selues our deaths wound, and not hastening our hower by any rashnes, to loke death in the face, and to pull him by the collar in one battaile, for the glory of God, and for the defence of our owne patrie? If wee die in so famous a place, and for so iust a cause, how much lesse tragicall and more honorable shall our death bee, then the death of those pagans was? Pythagoras was wont to say, that it was better to die with honor then to liue with shame: and therefore vppon a time espying a souldier which ran from the fight, he said vnto him: thou dost very ill fellow to flie from an honorable death, to liue with dishonour and shame.

It is very true (as Socrates said) that we ought not to make small accompt of our enemies, and stand in feare of thē. For (saith he) be they neuer so few and simple, but they may annoy vs easily. And (as another saith) there are no beastes in the world so much to be feared of men, as men: and againe, we ought not to redoubt them so much, as though they had our liues at their deuotion.

If then we must nēdes fight, let vs fight: if we must nēds die, let vs die like honest, good and godly men, honourably in our vocation: yet must wee take hēde that we do not abuse the secret counsail of God. It is written that the Bedonians a mungrel nation with the Sarazins, against whom the king Saint Lewis fought in the holy land, beleeued firmely, that the dayes and howers of euery one were prefired and counted from all eternity, by a certaine predestination ineuitable, so that they went to warre quite naked, sauing onely that they had a whyte sheete to couer their body withall, and had no The Lord of Ioinuille

weapons but onely euery man a Curtelasse after the Turquesque. That is to abuse the decrée of God himselfe, and to prepose our ignorance before his knowledge. For thus saith
Isa. 55.8. the Lord: My thoughtes are not your thoughts, and my wayes are not your waies: for as farre as the heauens are higher then the earth, so far do my waies exceed yours, and my thoughts yours. So likewise the Turkes do abuse *Fatum*, after the manner of the Stoickes.

Albeit then that the ordinance of God be the soueraigne & principallest cause, of all that happeneth in this world: yet are there some second causes which in their orders ought to come in cõsideration, seeing that God himselfe doth sometimes serue himselfe therewith, and will also that we vse them. Then no man ought to say: If I shall die with this harquebuzado, or with this cannon-shot I shall die: if I shall not die, then I shall not die. I cannot hasten my death, although I thrust my selfe vpon myne enemy, neither can I driue it any further off, although I recoile and runne away. No, that is a tempting of God, and to meddle with his iudgement, which is altogether vnknowen to vs: and such temerity falleth not out so well to euery one, as it did to Iason Phereus, of whom it is reported, that hauing an apostume in his breast, and being abandoned of all phisitions and surgeons, as one past care making none other accompt but to die, ran headlong in a battail amongest the thickest throng of his enemies, and by great chance had a wound cleane ouerthwart his body, so full vpon the place of his apostume, that by and by it brake out of him: not long after was healed. This was in him not good fortune, (as one would say) but the especiall fauour of God, who directed his aduise against his intention, and corrected it.

I do not say, but if the occasions of warre require that one should stand fast and strong against the harquebuzadoes and cannon-shot, it were very vnseemely, and cowardly done to bowke like a ducke, to voltige, or runne hether and thether, or to range to the quarter for feare of a blow: but plant himselfe and stand full in the Cannons mouth, or to hazard himselfe too farre neere the play of the harquebus, rashly and without discretion,

tion, is to ouerpasse and goe beyond the lawes and rules of manly resolution and constancy. The warriour ought to take great hēd he be not too rash, but following his vocation with magnanimity of courage ought to bee sage and well aduised, to husbande the time, to take occasions offered in due time: and thereuppon to resolue himselfe whatsoeuer fall out, life or death to be in the hands of God, in his grace and fauour, and so he shall neuer do amisse. To that great God of hostes, most mighty and puissant, perfitly good and wise, only the true God and the Father of our Lord Jesus Christ, be all dominion, power and glory, now and for euer. Amen.

A Treatiſe of ſingle Combat.

Chapter I.

Whether a King or Soueraigne Prince may with a ſafe conſcience grant the combat.

The firſt queſtion, touching the ſingle Combat, that is, betweene two men, to the end to diſcide and end any matter in controuerſie, is this: whether the King or ſoueraigne Prince may grant and accord with ſafe conſcience the combat. I ſay and hold, he may not, and proue it by theſe reaſons.

Firſt, becauſe ỹ affection of the King or Prince, who granteth the combat, can not bee good and right, but contrary to charity and to the deuoire of iuſtice and equity: For either hee hateth both the combatants, or he loueth them both, or elſe he loueth and hateth the one more then the other. 1 reaſon.

If he hate them both, ouer and beſydes that he is a murtherer in his hart, hee doth not well to make them away by ſuch meanes. For if the Prince be ordained of God, but to miniſter and execute law and iuſtice, and cannot put to death any but thoſe whom the law condemneth to die: and moreouer, if it bee not lawfull to reuenge his owne quarrell, not by the way of 1 Iean. 3. 13.

iustice, (for that the law saith) that a Iudge cannot be iudge in his owne cause: how shall it then be lawfull for him to reuenge himselfe by the way of combat, wherein the innocent and the faulty person are both alike exposed to the danger of death?

If he loue them both, yet is he cruell towards them, in that hee doth not by his absolute authority, or else by arbitratours make some agreement betweene them, and take vp the matter: seeing it cannot be but a matter of certaine deedes or wordes, thwarting the one or the other to their discontentment: whereof the foolish world thinketh, the point of honor and reputation of euery man wholly dependeth.

If he loue or hate the one more then the other, it cannot bee but that he be transported with some particular affection & passion. For who soeuer should sownd the depth of his hart, might well auouch that he would neuer grant the combat, but vppon hope, that he whom he affectioned most should get the victory. The contrary whereof falleth out for the most part, as we see daily. Is not that then flat against the deuoire of charity and Iustice.

2 Reason. The second reason is, because the combat is sometime granted to the great preiudice of the innocent: for considering the Prince is ordained for the common good of euery one, and that by the deuoire of iustice, he ought alwayes to defende the innocent: why doth he then put him in ieopardie of his life, geuing as well to the culpable person, as vnto him, equall weapons, and equall power to kill who can, the other? And so himselfe is not he guilty and culpable of homicide by the lawes? Moreouer seeing the person culpable, hath oftentimes the vpper hand, and preuaileth, and signally because of his aduantage, if he haue choise of armes before the other, followeth it not then thereupon, that the combat is contrary to the deuoire of iustice?

This reason is alledged in the Decretals. *De purg. vulg. Cap. 1.*

3 reason. The third reason is, that albeit the culpable be ouercome and slaine, neuertheles in the execution of him the Prince hath gone farre beyond the bornes of iustice. For the deuoire of iustice requireth, that those who are employed for the execution and pu-

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niſhment of offenders, ſhould bee void of all hate, and free from all deſire of reuenge: in ſo much that when a Iudge hath condemned a tranſgreſſor to die, hee ought not to deliuer him into the handes of ſuch an hangman, whom hee knoweth aſſuredly to be his ſworne and profeſſed enemye, and wiſheth in his hart nothing elſe but to take vengeance of him by executing him to death. Now the Prince that doth accorde and grant the combat, doth he not as much? for to whom doth he deliuer the culpable perſon to haue his puniſhment? is it not to the fury and choler of his aduerſarie partie, that is innocent: for he may bée aſſured, that both of them be puffed vp with anger, gnawed inwardly at the hart with enuy, & thruſt forward headlong with a longing deſire to be reuenged. Moreouer if the innocent chance to kill the culpable, is it not flat againſt all lawful and right proceeding, that ỹ Prince ſhould make him executioner in his owne quarrell? Then this is no more to bee called iuſtice, but reuenge. Cauſa 23. q. 5. de occid.

The fourth reaſon is, becauſe the Prince would puniſh him that ſhould be culpable, as it were by aduenture or chance medlie, in reſpect of the Prince. For although the iſſue of all combats, as alſo of all other thinges dependeth vppon God onely: yet ſo it is, that the Prince, who doth take vppon him to appoint and commaund them, without knowing at all rightly the cauſes of both, who hath right or wrong, appointeth and commaundeth them by chaunce and aduenture. And I pray you, what elſe may a man call that, but to tempt God (as the holy Canons affirme, & fooliſhly and raſhly to haue God ſhew miracles at our appetite. For is it not to tempt God, to attempt by combat to know what God will haue done of this man or of that man, cleane contrary to all forme and order of iuſtice? 4 reaſon. Cauſa 2 q. 4. Cã. Mono. & de purg. vulg. cap. 3.

I conclude, that ſeing iuſtice ought to giue euery man his owne, and that it ought not to be adminiſtred by chance or aduenture, but with good and ſufficient knowledge of euery cauſe, and by that which we haue already alledged, is ſufficiently proued that the combat is againſt theſe points: it followeth then that the Prince, who is miniſter of iuſtice, cannot with a good conſcience grant the combat, to voide any controuerſy betweene

two. And that is ỹ cauſe why it is in expreſſe and p laine termes defended and prohibited, as well in the eccleſiaſticall lawes, as in the ciuill.

C.de Gladiat.l.1.lib. 11.de purg. vulg. per totum.

Chapter II.

Arguments whereby ſome maintaine that the King or Prince ſoueraigne may grant the combat; and the refutation thereof.

FIrſt they ſay, that ỹ king or ſoueraigne prince, is a law vnto himſelfe and vnto his ſubiectes, and therefore, becauſe hée will diſcide and auoide any different in this ſort by combat, hee may, and will do it with iuſtice. I make anſwere, that the King or Soueraigne Prince is not God, but a man, who ought to confeſſe and acknowledge himſelfe to be but a ſeruant of God, as the holy Scripture calleth him.

Rom.13.4.

It is moſt true, that whatſoeuer God will haue done is moſt iuſt, becauſe it is God that will haue it ſo: but that which the King or Prince will haue done, if it be iuſt, it muſt bée ſo, before he will to haue it done. For if it bee iuſt, it is iuſt not for that he will haue it ſo, but for that it is iuſt of it owne ſelfe, and agréeable to the will of God.

Plut in the life of Alexan.

Anaxarchus (as Plutarcke reciteth) ſaide vnto Alexander vppon a time being very heauy for the death of his friende Clitus, whom he had ſlaine a litle before with his owne hands: that Themis and iuſtice ſit as hard by kinges ſides, as they did by Iupiters ſide, to confirm that incontinent, that they thought good of: but it is farre otherwiſe, for Themis and Iuſtice ſit vppon the toppe of kinges heades, to punish them if they violate the maieſty of their lawes. Wherefore farre vnbeſeeming kinges and Soueraigne Princes is that tyrannicall and effeminat ſaying of the goodwife to her huſband in the Po-

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of Iuuenall. *Sic volo, ſic iubeo, ſtet pro ratione voluntas: i.* So I will, and ſo I commaund, my will ſhall ſerue for law and reaſon. Iuuenal. Sat. 6.

Secondly they ſay, that God doth direct and guide all things to their right end, and that he that is vanquiſhed, ſhould be vanquiſhed, as hee that is alſo victor, ſhould alſo bee victor. I anſwere, that here we do not ſpeake of the ſecret counſaile of God, but of that which God hath of his owne wil reuealed vnto vs in his word. For albeit that God diſpoſeth & gouerneth all things, and that nothing bee done againſt his will: yet ſo it is, that hee hath preſcribed certaine rules in his word, and eſpecially for the order of iuſtice, within the irreuocable limits whereof, hee bindeth and commaundeth vs to containe our ſelues: otherwiſe the enormeſt crymes and vyots, as are priuie and wilfull murders, robberies, empoyſonings, inceſtes, parricides, rapes, and all kind of trahiſons ſhall be excuſable by this reaſon, that God guideth and directeth all things to their right end, and that nothing is done againſt his will.

They ſay moreouer, that the Prince can not, nor may not take vp the matter betweene theſe two, nor diſcide the different but by the combat. I anſwere, indéede hee cannot, becauſe hée will not. For what may the matter in controuerſy bée? for ſoth the one hath ſpoken ſome words of reproch to the other, wherein hee hath touched his honour or reputation. And the other hath giuen him the lie: or elſe the one hath outragiouſly abuſed him, in beating or hurting him. And the other will be reuenged of him, & be euen with him, fighting man to man at the ſharpe. In ſumme, the one hath abuſed and prouoked the other: and the other to maintaine his reputation and honour, hath repaied, or will repay miſchiefe for miſchiefe, euill for euil, and one iniury for another. In this caſe why may not the Prince cauſe iuſtice to ſcanne the cauſe, and commaund them both to referre their controuerſie to the iudgement thereof?

They alledge further, that the iudges and officers of iuſtice can not tell what to do in this caſe: when hee, who hath giuen diuers words of diſgrace and reproch to another, being the accuſant ſaith, and will maintaine for his life, that he hath ſayd the

truth. Yet he is destitute of sufficient witnes to proue his accusation to be true. What shall then these Iudges do here? they can not condemne the party accused by the lawes, because it is necessary the accusatour should haue some witnes. I answere that if the Iudges may not condemne the party accused, for that ỹ accusant is able to produce no witnes, yet may they condemne the accuser for a calumniator and a slanderer: for there are many good lawes made for calumniators, sycophants and false accusers, according to their default and offence, to cause them to take heede how they offend therein. And I pray you tell mee, is it but a small crime to take away from a man his good fame and name, the which (as saith Salomon) we ought to set more store by, then by all the treasures and riches of the world.

Lex Corn. de iniur.
Lex Corn. de falsis.
Iuris conf. D. Cl.
Prou. 22.1.

They reply againe, that the accusant may haue spoken nothing but a troth, and that his accusation being iust, the Iudges should do him iniury to punish him. I answere that the accusatour cannot excuse himselfe, but that he is a calumniator, for that he doth cleane against the deuoire of charitye. For if hee haue spoken that which is false, and burdened him with a lie, he is a manifest sycophant, and a malicious slanderer. And therefore deserueth wel to be punished accordingly as the lawes set down. If he sayd truly in his accusation, yet offendeth hee against charity (which coureth the multitude of sinnes) in disclosyng that which is secret and vnknowen, and such a one ought to be reputed for an iniurious person, and a backbiting slanderer. For he is not onely to be accompted and holden an iniurious person and slanderer, that falsly accuseth another, but he also that reprocheth a man with any secret fait, to defame and hurt him. And therefore in so much that hee doth accuse him, not of any good meaning towards him to redresse him, but of an ill will to defame him if he could, he ought to haue such punishment inflicted him as the lawes haue appointed.

Pro. 10.12.
L. Si quis a viam. C de iniuriis.

To conclude, they bringe against vs the famous combate fought by Dauid and Goliah, spoken of in the holy scriptures. I answere them, that it is but one particular example, which may not be drawen in consequence: for God hath raised vp Dauid to execute his iudgement by an extraordinary meane. And

L. Vni. C. de famos. libet

besides

beſydes, it was enemy againſt enemy, for the ſeruice of all the common people. But it was nothing like theſe priuate quarels betweene two men, which liue vnder one and the ſame policy, and vnder the ſame lawes, where the Prince commaundeth them to auoide their differente by the ſingle combat, man to man.

Chapter III.

Of the Combat vndertaken by priuate authority.

I Come now to another caſe, which is: if the Combate be not lawfull when it is granted by the prince or ſoueraigne magiſtrate, much leſſe is it lawfull, when it is vndertoke by priuate men, without the authority of their ſuperiour gouernour. For all vengeance taken by priuate authority, is condemned, as a thing contrary to the profeſſion of Chriſtians.

Yet the Combat wherein ſecond part-takers are admitted, is leſſe tollerable, and farre more vniuſt. For what equity is this: A man praieth his friend to call one to the combat with a ſecond: he accepteth the combat, and deſireth a friend of his to ſecond him: his friend agreeth to be his ſecond. It falleth out often that both theſe are friendes, and peraduenture of kinne, or elſe allianced by bloud. Notwithſtanding all this, they muſt needes fight, without any reſpect either of amity or affinity: and ſuch is the ill lucke oftentimes, the one killeth the other, or elſe both of them, the one killeth the other before they goe from the place. By what law of God or man may this combat be iuſtifyed? What apparence of equity may one ſee in this? but that it is manifeſt that all priuat reuenge is forbidden and condemned, as contrary to the vocation and deuoire of chriſtians: ſee here the reaſons.

Firſt ỳ God doth forbid it: Thou ſhalt not kill, ſo ſaith his law: and S. Paul ſaith: Auenge not your ſelues, but rather giue I. Ezo. 20 15. Rom. 12. 19

giue place vnto wrath: for God hath said: Vengeance is mine, and I will repay.

2 That we cannot be admitted to be iudges in our owne cause. For that we being blindfolded with a certaine philauty which is naturally in euery man: that is to say, with the loue of our selues, we should be partiall in iudgement, and iudge the right still on our syde, and the wrong to our neighbour.

3 That the impatience which is in vs, and the choler which doth dominate and beare rule in vs, doth let and distemper vs so much, that we cannot keepe a meane in the vengeance, that we would take of him that wrongeth vs. This reason is alledged by Tertullian in his booke of Patience. One said, that choler serued sometimes in stid of weapons to vertue and valiancie. But another made answere, that it was but a mad kind of weapon, and newly found out: for wee can skirre other weapons, but this skirreth vs. Our hands handle other weapons, but this handleth our handes: we possesse other weapons, but this possesseth vs. Therefore one of the Catoes said very wel and wisely, that anger or choler did blind much the vnderstanding, that it could not discerne & know the verity of any thing, and did let it so much, that it knew not how to keepe a meane in giuing any chastisemēt or punishment to any body. And that was the reason why Charillus the Macedonian said vpon a time to one Elote, who behaued himselfe too too sawcely and irreuerently towards him: by the Gods (saith he) if I were not angry I should kill thee now presently.

4 That vengeance appertaineth vnto God only. Vengeance is mine (saith he) and I will repay. Therefore it followeth, that whosoeuer doth reuenge himselfe, committeth sacriledge, appropriating vnto himselfe that, which belongeth by right vnto God himselfe.

5 That seeing the wrong that our neighbour doth, happeneth not without the prouidence of God, it is not lawful for vs to resist and withstand it by oblique and sinister meanes, and such as displease God. See what Dauid did: 2. Sam. 16. verſ. 5. &c.

6 That the prayer, that our blessed Sauiour Iesus Christ hath taught vs, is contrary to all vengeance. Pardon vs (say wee

vnto

vnto God) as we pardon them that treſpaſſe againſt vs.

What ſay we there elſe, but that we offer him vp our ſoules voide of all rancour and vengeance?

But if it be not lawfull for the ciuil magiſtrat, to put to death the tranſgreſſor, without giuing him before ſome time and leiſure to repent himſelfe, for feare leſt hee deſtroy the ſoule with the body: how ſhall it be lawfull for a priuate man to reuenge himſelfe of his neighbour, by endangering vpon a ſodaine both his body and ſoule? If he who hateth his neighbour be a murtherer, how ſhall not he be one, that hating his neighbour, liſteth vp his hand to be reuenged of him? 7

But if he kill him outright, that is the greateſt offence of all, for the miſchiefe is maruellouſly aggrauated. Who ſo ſheddeth the bloud of a man (ſaith the Lord in his law) by man ſhall his bloud bee ſhed alſo. Likewiſe: Yee ſhall take no price for the life of the murtherer, who is wicked, worthy to die, but let him die the death. And a litle after: See that yee pollute not the land wherein you dwell; for bloud defyleth the land, and the land can none otherwiſe be clenſed of the bloud that is ſhed, but by the bloud of him that hath ſhed bloud. And in the Goſpel. All they that ſhall take the ſword, ſhall periſh with the ſword. And againe: If any man kill with the ſword, he muſt be killed with the ſword

Gen. 9.4.
Num. 35.31
Mat. 26.52
Apoc. 13.10

But ſee, here is a ſaying more fearfull & horrible then theſe: The murtherer ſhall not inherit the kingdome of God.

Gal. 5.21.

And as for him, who is ouercome in combat, and ſlaine, what braue and noble reſolution will excuſe him? The Death of Cato Vticenſis (no diſpleaſure to the iudgement and opinion of ỹ popular) who made a hole into his owne belly with his ſword, and pulled out his bowels with his owne handes, to the end hee would not fall into his enemy Cæſars hande, cannot be excuſed by the word of God, the onely rule of our actions (no diſpleaſure alſo to companies of luſty cutters and ſwaſhbucklers, that follow our fence plaiers) hee that loſeth his life in a ſingle combat for his owne quarrell, and to pleaſe and ſatiſfy the motions of his owne mind, is no more to be excuſed, then the other was: for all taſt of vertue is taken away from that action, nether can

it be named by the title of magnanimity and constancy.

Plut. in the life of Iul. Cæsar.

One demaunded Cæsar vpon a time, what death he thought the best to bee desired: That which is best thought of before (saith he) and the shortest. But the Christian may not altogether allow this answere. For if we haue not leisure to thinke of our death earnestly before hand, and with a perfit mind, and stedfast vnderstanding to loke it full in the face, euen then when it commeth nére vs to strike vs: with what conscience can we resolue to receiue it, when it commeth vppon vs indéede? Now these which dye in combate, hauing their minde purposed and bent to reuenge, to kill and slay, hauing their deaths blow on a sodaine, so farre are they from hauing any leisure to premeditate of their death, as contrariwise they are eger and hasty to cast themselues headlong into the nets of death, euen as a man should runne blindfold into the sea.

See, I haue alledged reasons sufficient against priuate reuenge, the which is more agréeable to ỹ nature of brute beasts then of reasonable men, For brute beastes be destitute of reason, to prosecute their right, and haue no superiour to do them iustice: and to this purpose did Socrates answere a clown, that in his anger had stroke him on the foote. If I were an Asse (saith he) I should kicke against thée. Moreouer how many troubles hath this desire of vengeance in it selfe? what paines and vexations doth it require of vs? How miserable is the thirst of reuenge? how hurtfull is the atchieuing thereof? She maketh thée take no quiet rest in thine house, and thou hast no assurance to bée in the fieldes: thée tosseth thée with continuall cares, she tormenteth thée with ten thousand feares, shée carrieth thy iudgement and reason cleane out of their proper seats, and playeth the tyrant ouer them. When thou thinkest thy selfe safest, then shée threatneth thée most: shée is importunate with thée, she gnaweth thée to the hart, she deuoureth thee. Why then dost thou suffer her to harbour in thy breast? why dost thou giue place to her violence, to incurre thy finall distruction and vndoing, thou deceiuest thy selfe if thou thinke by her meanes to atchieue any honorable or vertuous act. The honour that is wonne by her, hath an ill grownd, and that vertue should be vaine, and of small

accompt

accompt, that taketh recommendation from ſo vile a paſſion of the mind. Wiſe men haue alwayes ſet before themſelues more iuſt actions to purchaſe and winne their honour, and to be witneſſes ſufficient of the praiſe of vertue.

Honour is a thinge too pretious, and vertue a thinge too noble of it ſelfe, to depend of a ſuperfluous humour, ſo baſe and vilanous, as the deſire of vengeance is.

Chapter IIII.

The reaſons of thoſe that iuſtify the combat vndertaken by priuat men to bee lawfull, and the refutation thereof.

BVt thou wilt make anſwere, and ſay: this man hath iniured and prouoked me firſt, and therefore muſt I needes call him forth to bee reuenged of him, and to bee euen with him. I anſwere thee with that, that our Sauiour Ieſus Chriſt hath ſaid: that we ſhould not requite euill for euill, nor one iniury for an other. But to the contrary: loue your enemies (ſaith he) bleſſe them that curſe you: do good to them that hate you, and pray for them which hurt and perſecute you, be of a pacient mind (ſaith S. Paul) forbearinge one another: If any man haue a quarrell againſt another, as Chriſt forgaue you, euen ſo do ye. And S. Peter ſaith: Ieſus Chriſt hath ſuffered for vs, leauing vs an example that yee ſhould follow his ſteps, which did not ſinne, neither was there any guile found in his mouth, who when he was reuiled, reuiled not againe: when hee ſuffered iniury, hee threatned not, but committed the vengeance to him that iudgeth righteouſly. By theſe commaundements, and by this example of our Sauiour Ieſus Chriſt, patience and ſufferance is ſtraitly enioyned vs, and all priuate reuenge abſolutely and ex-

Mat. 5. 38.

Col. 3. 12.

1 Pet. 2. 21.

prettie forbidden.

Thou sayest that this man or that man hath first prouoked and iniuried thee. I allow that to be true: but wilt thou do mischiefe as well as he? For as Tertullian saith: what difference is there betweene the first prouoker and the reuenger, but that the one beginneth to do mischiefe, and the other followeth by and by. Dion was resolued in that matter: his friendes vppon a time exhorted him to be reuenged on Heraclides and Theodetes, of whom hee had receiued some iniurie: But he made them answere. It may not be, that Dion by choler staine his vertue. True it is, the lawes of men say, it is more iust to be reuenged of an iniury offered, then to offer an iniury: albeit nature it selfe sheweth that both do proceede from the selfe same infirmity.

Tert. lib de patient.

Plut. in the life of Dio.

I say moreouer, that those which take reuenge, requiting euill for euill, doe redouble the mischiefe, and (as Origines saith) do sinne more grieuously then they, who were the first prouokers. For it may be that the first prouokers haue offended by inconsideration and vnawares either not knowing, that the hurt or iniury that they did, was hurt or iniury, or not knowing that it was so great and hainous as it was: which they, that to be reuenged do mischiefe, by no meanes can pretend.

Thou obiectest yet, that the combat is still vsed now adaies amongest them who follow the warres, and make profession of armes. Custome and time haue brought it to this passe, thou saiest. I answere, that the matter is not alike in combat, as it is in money or coine, in the putting away whereof, we care no more for the weight and valour of the peece, but euery man taketh it for so much as it is currant, according to the common valour and approbation thereof, we speake no more of the value, but of the vse. But what if in Lacedemonia it be lawfull to picke and steale: shal it be then wel done to picke and steale? In Germany and in Switzerlande they vse very much dronkennes: tis honest then for a man to be dronken. At Rome & in diuers other places, where the common stewes are yet suffered, the custome & vsage permitteth vnchast women to make marchandize and profit of their owne bodies, and suffereth men

to

to be naught with them. Therefore whoredome may not bée condemned. But I ſay, that neither vſe nor cuſtome, nor time can cut of or derogate any thing from the lawes of God: but they all aggrauate the offences and ſinnes of men. No vſe may giue any ſcope or liberty to men to offend, for that were an errour, and he is farre deceiued, who to reigle himſelfe well, regardeth what is accuſtomed and wont to be done, and not that which ought to be done. So alſo ther is no proſcription of time able to iuſtify thoſe, who violate the lawes. There is no appealing to the time: vices are in men, and not in the times and ſeaſons.

To what ende then ſayſt thou, do I carry my ſword at my ſide? Thou mayſt weare thy ſword at any time, either in time of peace, or in time of warre, not to reuenge thyne owne quarrell: for thou art no magiſtrate, but to helpe the magiſtrate to gouerne and rule the countrie in peace, to repulſe the enemy, to ſtop his incurſions, to kéepe him from robbing and ſpoiling the Countrey, to chaſe away and bamiſh vices farre from thy countrie: in ſumme, to defend and maintaine godlines, law, iuſtice, and the common weale. If thou be a good Chriſtian, doth thy ſword any thing at all diſpence with thée, from doing the deuoire of good chriſtians? doth it giue thée any greater priuiledge, then it doth to the marchant or artificer, who cary it not to abuſe their vocation;

Thou wilt ſay then, mine enemy hath called mee forth to haue a blow or two with me, and to fight with me. I anſwere: if thyne enemy will diſtroy thée, wilt thou deſtroy thy ſelfe alſo? if he will offend God, wilt thou offend God as well as hée? he calleth thee forth to kill thée, and thou wilt goe forth to kill him. If he called thée forth, to goe both together to caſt your ſelues downe headlong from the top of a tower, or of a bridge into the water wouldeſt thou follow him, or goe with him? rather conſidering him to be mad, furious, and out of his wit, and thy ſelfe to be wiſe and wel aduiſed, ſhouldeſt thou not take heede of the danger wherein he caſteth himſelfe wilfully? For knoweſt thou not that the danger of one man, proceédeth commonly from another man. Thinke then (ſaith Seneca) of the danger Seneca epi. 104.

that may befall thee by a man. But thinke alſo of that denoire whereunto nature doth bind thée. Thinke of the one, to the ende thou bee not offended: and thinke of the other to the ende thou offend no man. In the Combat there is as much occaſion to ſtand in feare as in hope. The very apprehenſion of fight doth trouble a man meruellouſly. It maketh a man chaſe and fret, it maketh him tremble and quake, it maketh him loke pale and wan, it maketh him blufh and cry out in his imagination, to thinke of the blowes he ſhall abide, and of that which ſhall chance vnto him.

Caſt not then thy ſelfe headlong (ſaith the wiſe man Cleobulus of India) into danger, but before thou doſt hazard thy ſelfe, regard the end, and ſée how thou mayſt eſcape it.

Of the point of honor and reputation.

BVt mine honour and reputation, ſaith he, lyeth vpon it: if I goe not out with him into the field, I ſhall be counted but a coward. Here the vaine glory of man, which is a malady in him naturally and originally engrafted, ſheweth her ſelfe ſignally, what ſhee is. For (as Epictetus ſaith) man hath nothing of his owne, but the vſe of his ambition, pride, and of his other paſſions: a ſtrange caſe. Man is the weakeſt, and the moſt miſerable creature of all other, without the feare of God: and yet (as Plinie ſaith) the proudeſt and the fulleſt of ambition. If thou wouldeſt ſay but vnto thy ſelfe, the leaſt thought of that which is in thy ſoule regenerated, or the leaſt of that which remaineth yet whole and ſounde in thy nature corrupted, which cannot altogether be effaced and blotted out of thyne vnderſtanding by ſinne, thou wouldeſt ſatiſfy thy ſelfe in theſe thinges, and ſay as the Poet: *Video meliora, proboque deteriora ſequor*. i. I ſee the beſt, and allow of it, yet I follow that which is worſt. This vice is naturally rooted in vs, but let vs amend it by the vſe of reaſon: as Socrates, who confeſſing a fault, that ſome found in his phiſiognomy, ſayd: It is indéede my naturall inclination, but I haue corrected it by philoſophy.

Touching

Touching the reſt, I ſay firſt, that it is great marueil, that this point of honor (which in this place is but a vaine and light opinion, inuented by the Deuil) hath found place among ſo many good and honeſt men, and that Kinges and Princes allow of it: for (no diſpleaſure to their maieſties, and excellencies) they wrap themſelues in a great contradiction. For if a man be called to the field to fight with another, and kill him, the King ſhall not ſuffer him to liue, vnleſſe he giue him a pardon: and yet if he do not goe to the field, the King ſhall count him a coward, and his honour ſhall be thereby empared. But how can theſe things agrée? For if he haue done an honourable act, what néedeth he any pardon? or if he haue néede of a pardon, what act of honor hath he done? Is not this a plaine contradiction, that if a man take the lye of another, or ſuffer any other iniury, he ſhould by and by, by the King, according to the deuoir and law of armes be degraded of his nobility and honour: and yet if hee reuenge the matter, the ſame king by the ciuill law ſhall inflict vppon him ſentence of death? what a pity is this? Goe to the lawes to haue iuſtice for an offence committed againſt thyne honoure, & they ſhall tell thée, that thou diſhonoureſt thy ſelfe. Go to armes againſt the lawes, they ſhall tell thée, that thou oughteſt to be puniſhed by the lawes. What iuſtice is this? what pollicy is this? In one and the very ſelfe ſame thing, by and by the lawes muſt giue place to armes, and by and by armes to the lawes. Here may one fully perceiue the inconſtancy of men, concerning their ſundry iudgementes and fooliſh fantaſies: much like to the Cameleon, which changeth colour in euery place that it commeth vnto: or much like the Mone of whom the poets faine, that vppon a time ſhe deſired her mother to make her a garmēt, that might be fit for her, and handſome for her body. How can that bee Daughter (ſaith hir mother) ſéeing thy body kéepeth neuer at one ſtate, but it is ſo variable, that it changeth euery day?

Secondly, thou ſayſt, thyne honour is loſt if thou do not go out into the field to mēete thyne enemy. And is not thy conſcience loſt alſo, if thou do goe forth? Demoſthenes had a wiſe ſaying: that the beginning of euery vertuous act, is conſultation

and deliberation, the progresse or going forwards, is magnanimity and constancie: the end and perfection is praise and honor, with tranquillity of mynd and conscience.

Life indeede is a death, if the honor or good name be lost. But thou mayst not take the shadow for the body. Thyne errour proceedeth of the too great force and vehemence of selfeloue, that thou beerest to thyne owne imaginations: as the Poets faine Narcissus to haue bin rauished with the loue of his owne shadow: and so was Pygmalion ouercome and troubled with the impression of an Image of Ivory, that he fell in loue with it, as though it had bin aliue.

Tell me, wilt thou liue in honour? liue then like a good christian. Wilt thou make knowen ỹ care thou hast of thyne owne credit, and after this life make thy selfe famous in the mouth of many? Endeuour then that thy fame fly no further, then the vertue and good report thereof be spread, and may carry it: and that it remaine for a memoriall and example to the posterity, to be worne in the feare of God: and do not as Trogus Pompeius speaketh of one Herostratus: ǂ Titus Liuius of one Manlius Capitolius, who were desirous of great fame and honour for their naughty deedes.

Cursed is that honour and fame. Thou mistakest the matter in taking dishonour for honour: and so doth thy poore soule deceiue hir selfe, in imagining and representing to her selfe a false and fantasticall obiect, euen against hir owne conscience, if shee would say the truth. For a staffe be it neuer so streight, seemeth crooked in the water: and the sownd of a Trompet which wee thinke is before vs, commeth a quarter of a mile behind vs, by the reuerberation of the aire neare vnto a forrest: so also all that glittereth is not Gold. And vertue alwaies hath the one of his two extreames, with the which shee hath more conformity and resemblance, then with the other: and therefore the Poet sayd true, That vice doth deceiue vs by the apparence and shadow of vertue. So then when the question is of the point of honour, we ought not to speake of it, nor estimate it after our owne iudgement and opinion, but according to that which is in it selfe, and in it owne naturall.

Iuuenal. sa. 14.

For

For that which men imagin for honour in this reſpect, is like the Atomes of Epicurus, the Idées of Plato, and to the numbers of Pythagoras: which are things too vncertaine, and néed great diſpute to proue them. To take this for honour, is to féed of the aire or of the wind: as thoſe, whom Plutarch reporteth to be in a certaine place of India, who haue no mouth at all, but féede and nouriſh themſelues with ſmelling of certaine ſweet odours. There is the name of the thing, and the thing it ſelfe: and the name of the thing is no part of the thing, nor any part of the thinges ſubſtance. The name, is but a voice which doth comprehend in it oftentimes that which cannot be attributed to the thing.

Doſt thou call it honour, to do that which God forbiddeth thée: is it not thyne honour to obay God, and thy diſhonour to diſobay him? If thy lawfull Prince prohibit thee any thing vpon iuſt occaſions, and for good reaſons, wilt thou not then ſay: myne honour bindeth mee not to do it, for that the King hath commaunded mee the contrary? Wilt thou then make more account of men then of God? God forbiddeth thée to reuenge, and thou ſayſt, thy good name, that is, thyne honour is taken away, if thou no not reuenge. God forbiddeth thée to kill thy neighbour: and thou ſaieſt, thine honour is loſt, if thou do not kill him. A manifeſt falſehod, and impoſture of thyne owne fooliſh opinion.

There is nothing more honorable for a Chriſtian, then to bridle and keepe vnder his owne paſſions by reaſon. This is no diſhonour nor diſcredit not to bee able to do that which a man would. But it is both diſhonour and diſcredite to be willing to do that which a man ought not to be willing to do: and yet the greateſt diſhonour that is, is to doe that which God and his lawes forbid.

But, ſaith another, they will caſt in my téeth, that I am affeard of death, the which waiteth for me, either there, or in another place: and I ſhall be eſtéemed a very Poltron and a coward, if I ſéeke not to reuenge the wrong that hath bin offered me. I anſwere firſt to this, that to put a mans ſelfe in no danger, where occaſion of danger is, is to be no wiſer then Pirrho

the Philosophers hogge was, who loked on the whirlewinde and tempest in the sea, without any whining or noise at all: or else to be as wise as Pirrho himselfe was, whom Laertius and others picture out to be very blunt and blockish, of a brutish and sauage life, refusing to liue vnder any law, without any vnderstanding, who would stay till chariots ranne ouer him, and offer to cast himselfe downe headlong from the toppe of any high place. Agesilas (as Plutarke reporteth) was wont to say in his priuy deuises, that iustice was the first and chiefest of all other vertues, and that prowesse was worth nothing, if it were not accompanied with iustice.

Maliancy hath her limits, as other vertues haue, the which if thou once ouerpasse, thou shalt straight finde thy selfe in the path of vice. In very deed thou oughtest not in any wise to feare death: for God forbid that we should feare death, which bringeth vs so great benefit, that it maketh vs free from all feare: and although it be most true, that thou canst not tell, where it attendeth thee, but that therefore thou oughtest to attend it euery where boldly, without all feare: yet oughtest not thou to runne headlong without any regard of thyne estate within the compasse of his sickle, nor making way for thyne anger, to runne after it, and wittingly to bring thy selfe in danger. Thou oughtest to waite for it indeed, but not to preuent it. In the first there is resolution and courage, in the second temerity and desperatnesse.

Then they will obiect, saiest thou, that thou art a dastarde and a coward. Cowardize indeede according to the lawes of Charondas, doth merit to be punished by shame and ignominy: yea with death it selfe, by the lawes of Greece and of Rome, when it is cause of any great preiudice: as if in warre any captaine should turne his backe to his charge, or runne away the same time, when the battell is to be giuen. And moreouer if he giue vp for feare any place that is assieged, that may by the rules of warre be kept well ynough, but it is another matter, not to be willing to reuenge any priuat iniury or quarrell. That ought neuer to be imputed to cowardlines, or to pusillanimity. yet, thou wilt say, that some will say, it is. But who is he that

will

will ſay, it is? Yea. But what men? not honeſt and vertuous men, and ſuch as feare God, but men of this worlde. Euery thing hath in it ſome good or euill, for the which it is eſtéemed good or euill. The goodnes of euery action is that which proceédeth from vertue. The ill contrariwiſe, that which commeth from vice. An action then ought to be eſtéemed good and laudable, when it is vertuous: and contrariwiſe euill and blameworthy, when it is vicious: for there is none other good but vertue, and none other euill but vice. In ſo much that the vertue is ſtraitly commaunded by God, and the vice abſolutely defended. And there is great reaſon why we ſhould eſtéem all that which God commaundeth good and vertuous, & all that which he defendeth euill and vicious without climbing any higher. For it is he who hath put a differéce betwéene good & bad, betwéene vertue and vice, and hath engrauen a certaine generall knowledge and notice in the iudgement of man euer ſince his creation. And therefore it followeth that, that act is good and vertuous, becauſe it is conformable to the will of God. And this act is euill and vicious, becauſe it is repugnant, and contrary to his will.

Let then the world ſpeake his mind, and make what folliſh eſtimation of honour that thee will: for the worlde is impure, wicked, and altogether giuen to miſchiefe. And therefore eſtéemeth and valuateth nothing, but that which agréeth and reſembleth altogether with her nature, and doth ſpeake well of nothing, according to her thinking, but of that which ſimpathizeth with her manners of doing. Her reaſon, or rather apparence of reaſon, which ſhe faineth to haue in her ſelfe, halteth alwayes, is croked many wayes and cleane without all ſquare or compaſſe, hauing little truth ioyned with it, or rather none at all: and alwayes, or for the moſt part, accompanied with lies and tales: And is as the leaden inſtrument called *regula Lesbia*, which may be applyed, and made ſerue to meaſure any thing that a man can deuiſe. Demetrius was wont to ſay, that hée made as little accompt of the wordes of the ignorant, as hée did of the wind that commeth from the body: for what néede a man paſſe (ſayth hée) what the prattle of the vulgar is, babble

they from aboue or from below. Let it ſuffice thée to be eſtéemed of God, & of thoſe that feare God, who can iudge of thine actions.and of all others by the word of God: For nothing is worthy of praiſe, or blameworthy, but that which is approued or reproued by God. And his iudgement that is not here planted and ſetled in Gods word, deceiueth him much: and in ſtid of true honour bringeth forth to his minde monſters and fantaſticall Chimeres, where nothing is to be had but meere illuſions, and lying images of true honour.

Chapter V.

Remedies againſt ſingle Combat.

HEtherto wee haue but opened the ſoare: now we muſt ſéeke ſome remedies for it, if it be poſſible. Now the remedies againſt Combat in mine opinion ought to be takẽ partly of priuate men, and partly of chiefe gouernours, and ciuill Magiſtrates. As for priuate men, we know there are ſome ſo actiue, and of ſuch a boyling nature, and ſuch that loue quarreling and brawling ſo well, that at the perill of their owne ſaluation, they vtterly contemne the vſe of all vertues, which helpe to bridle and moderat the boyling force of their immoderat paſſions. As it is reported of a certaine fellow, that would not haue his phiſition to take away the alteration of his Feuer, to the end he might not loſe the great pleaſure he toke in drinking and bezuling. This opinion that a man hath commeth from a ſauage humour, vagrant without any bridle or ſtay in his ſpirit, who hath none other ſtirring and mouing in it ſelfe, but euen as the ſenſes and humours of the body cary him. But as he that loueth the health of his bodye, being in perfect health, doth take great pleaſure to practiſe the rule & regimẽt of health, that ỹ ſkilfull phiſition preſcribeth him, to ỹ end, that he might keepe and maintaine himſelfe long time in health: euen ſo hé

that

that he that loueth that his soule be well reigled and gouerned, and he that hath well ordered and guided it, as a man vertuous & wise doth take great delight in the precautions and meanes that he hath learned, to preserue and keepe it from falling into vice.

I say then to priuate men, that make profession of armes, that they banish out of their hart all ambition and pride. For this plague is the onely cause of quarrelling and brawling: for as a certaine Romane said, it is the nature and property of the ambitious man to contemne men of simple and lowe estate, to enuy those of higher and greater condition, and to agree and liue in charity with none of his equals, men of as good quality as himselfe. Let priuat men then be purged and cleane void of this vice of ambition: let them bee meeke, curteous and gentle towards euery man, and in no wise opiniatrous nor quarrellous. Let them be carefull to keepe vnity and concord of mind, by the band of peace: let them do nothing by strife or vaine glory: but in humility of hart let euery man thinke better of another then of himselfe. Let them be charitable, for charity swelleth not. Let them put the Salt of discretion in their wordes, and weigh them well before they vtter them. Let them liue in good amity and brotherly charity one with another: for as the Orator sayth, Concord maketh litle thinges grow and encrease, and discord plucketh all quite vp by the roote, and bringeth by and by great and mighty thinges to naught: and in this concord, as saith our sauiour Jesus Christ consisteth the preseruation not onely of whole families, cities prouinces and earthly kingdoms, but also of the Church which is the house and family of God.

Planchus Numatius scholar to Cic.

Eph. 4.3. Phil.23.

Rom.12.10 1 Cor. 13.4. Col.4. 6.

Salust in Iugur.

Mat.12.25.

And because the deuill is very subtill to sow dissentions among men, let them not moue themselues lightly one against another, for euery small wrong or iniury that is offered them. Let them be patient, ready to forgiue, and ready to suffer wrong and iniury, without any desire or thirst of reuenge, because they are Christians, and ought to followe the example our sauiour Jesus Christ. Or if the worst fall out, let them haue recourse to their superiours, and prosecute their right by such way of iustice as is ordained for them by God: alwaies prouided, they do it

not to ſéeke any vengeance, and pretend not to vſe the Magiſtrate, as an inſtrument to execute their wicked will. For it is the deuoire of the Magiſtrate to preſerue the honour and good name of his ſubiectes, as well as their goods and liues, as witneſſeth the holy Scripture.

Rom. 13.3. 1 Pet. 3.14.

See here is the ſumme of that I had to ſay of the firſt remedie of Combat concerning the part of priuat men. The ſecond remedy toucheth Princes and Rulers. It is, that they imploy their authority to take ſome ſpéedie order for this dangerous miſchiefe. It is euidently ſéene, that the pleaſure that diuers take, their nonchallancy, fault of knowledge, and lacke of conſcience hath cauſed them to grant this exceſſe to great fighters and fray-makers, to let them put in a fote with them, to holde them vp by the chinne, and to haue ſecret intelligence with thē in the practiſe of this combating: ſo that the ſuperiour gouernours haue of purpoſe giuen ouer their authority to the inferiour magiſtrates, becauſe they would not vſe it in this matter their owne ſelues: and the inferiour haue vſurped this licence to abuſe the ſworde of iuſtice, in treading vnder fóte the right of their ſuperiours.

It is then firſt of all néedfull that Kinges and ſoueraigne Princes bridle their ſubiects, for their benefyte and good in common, and that they make ſtrait decrée vppon this matter, according to law and iuſtice, forbid vpon grieuous paines this exceſſe of ſingle Combat, ſo vſuall nowe adaies: and that they cauſe proclamations to be made through all places of their dominions, to the ende no man pretende hereafter any excuſe or cauſe of ignorance: or if they haue once ſo done already, yet that they do it not once againe, & commaund all their Officers, & namely all their chiefe Captaines of war to lay their handes to the execution of this their ordinance. If they do thus, they ſhall deſerue great commendations, and honour, doing much for the benefyte in common

Plutarcke praiſeth Flaminius, for that hee being borne to commaund, knewe not onely how to commaunde according to the lawes, but alſo the lawes themſelues, when common neceſſity ſhould require. And who doubteth then, but honeſt & vertu-

ous

ous people do praise our Kings and Princes, when for the common vtility and the benefite in publike, they shall commaunde according to true lawes and iustice, against that which is falsly and against all reason tearmed the law or deuoire of warre, and armes in this matter of single Combat?

Secondly, that as Christian Princes, and such as are furnished with members about them fit for their dignities, discourse themselues priuatly and publikly when there shall fall out any matter to be decided by combat, against the combat, blaming and reprehending it, and shewing that they do not allow of it in any wise, and that it is a very foolish thing for those that make profession of armes, to thinke that their reputation, their valour, their noblenes, their resolution, their stowtnes of courage: and in summe the point of their honour consisteth in this lawlesse and wicked practise of single combat. And then when the other shall knowe and vnderstand fully their opinion in the matter, they will willingly agree vnto them to bee of the same mind with them. For so it is, the inferiours alwayes conforme themselues to the manners and opinions of their superiours.

Thirdly, that the chiefe captaines of warre be more carefull then heretofore they haue bin, to make diligent enquiry of the state and behauing of their men at armes and souldiers: and if there arise any strife or difference amongest them, that by and by, as sone as they can, they seeke to appease it: and if they can not by reason of some difficultnes, that they shall find, that they command and charge them vpon paine of death not to dispute any further, or meddle any more in the matter, vntill they haue taken further aduice by assembling some greater nũber of Captaines that feare God: for there is no difference, bee it neuer so great, but among Christians by the word of God & good lawes it may be decided, and auoyded well ynough without euer combatting for the matter.

If these medecines be applyed to this so dangerous and mor-
the scale, we may hope that ỹ ayre of our France shal quick-
the be purged. True it is that they will seeme somewhat bitter to
iuers, and of a very sower taste at the first. But the bitternes
ath his circumstances, that serue to the operation: and you

knowe that Apothicary druggs haue little vigoure, when they are taken pleasantly and with a sweet taste. The effectes hereof in tyme shall shew themselues to be profitable and holesome, if it please God to further and blesse them. Then I beseech God that they take some effect and deepe rote in the harts of the readers which make profession of armes, and abuse the lawfull vsage thereof: as sometime it did in ỹ hart of Polemon, a yong, licentious and vnruly Greeke, who by chance going to heare but one good lesson of a Philosopher, with the knowledge and learning that he brought away, vppon a great sodaine changed and amended his former lewd life wherein he had so long before continued. But to God aboue be all lawdable beginning all good proceeding, and all happy ending: and to the same God be all glory, might, and power now and for euermore

Amen.

AN IMPEACHMENT OF HIGH TREASON AGAINST

Oliver Cromwel, and his Son in Law *Henry Ireton* Esquires, late Members of the late forcibly dissolved House of Commons, presented to publique view; by *Lieutenant Colonel John Lilburn* close Prisoner in the Tower of London, for his real, true and zealous affections to the Liberties of his native Country.

In which following Discourse or Impeachment, he engageth upon his life, either upon the principles of Law (*by way of indictment, the only and alone legall way of all tryals in England*) or upon the principles of Parliaments ancient proceedings, or upon the principles of reason (by *pretence of which alone, they lately took away the Kings life*) before a legal Magistracy, when there shal be one again in *England* (*which now in the least there is not*) to prove the said *Oliver Cromwel* guilty of the highest Treason that ever was acted in England, and more deserving punishment and death

Then the 44 Judges hanged for injustice by *King Alfred* before the Conquest; or then the Lord *chief Justice Wayland* and his associates tormented by Edw. 1. Or, then Judg *Thorpe*, condemned to dye for Bribery in Edw. 3. time; Or, then the *two dis-throned Kings* Edw 2. *and* Rich. 2. Or, then the Lord chief Justice *Tresillian*, (*who had His throat cut at Tyburn as a Traitor in Rich. 2. time, for subverting the Law*) and all his associates; Or, then those two grand Traytorly subverters of the Laws and Liberties of England, *Empson* and *Dudley*, who therefore as Traytors lost their heads upon Tower-hill, in the beginning of Henr. 8. raign; Or, then trayterous Cardinal *Wolsey*, who after he was arrested of Treason, poysoned himself; Or, then the late trayterous *Ship-Money Judges*, who with one Verdict or Judgment destroyed all our propertie; Or, then the late trayterous Bishop of *Canterbury*, Earl of *Strafford*, Lord-Keeper *Finch*, Secretary *Windebanck*, or then Sir *George Ratcliff*, or all his Associates; Or, then the two *Hothams*, who lost their heads for corresponding with the Queen, &c. Or, then the late King *Charls* whom themselves have beheaded for a *Tyrant* and *traytor*.

In which are also some Hints of Cautions to the Lord FAIRFAX, for absolutely *breaking his solemn Engagement with his souldiers, &c.* to take head and to regain his lost Credit in acting honestly in time to come; in helping to settle the Peace and Liberties of the Nation, which truly, really, and lastingly can never be done, but *by establishing the principles of the Agreement of the Free People*; that being really the peoples interest, and all the rest that went before, but particular and falsly sh.

In which is also the Authors late Proposition sent to Mr *Holland*, June 26. 1649. to justifie and make good at his utmost hazard (upon the principles of *Scripture, Law, Reason*, and the *Parliaments and Armies ancient Declarations*) his late actions or writings in any or all his *Books*.

Ier. 5. 26, 27, 28, 29. *For among my people are found wicked men: they lye in wait as he that setteth snares, they set a trap, they catch men. As a cage is full of Birds, so are their houses full of deceit; therefore they are become great, and waxen rich. They are waxen fat, they shine; yea, they overpass the deeds of the wicked; they judg not the cause, the cause of the Fatherless, yet they prosper; and the right of the needy doe they not judg. Shall I not visit for these things, saith the Lord? Shall not my soul be avenged of such a Nation as this?*

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